



**BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE  
SPECIAL MEETING**

**MONDAY, APRIL 26, 2021**

**2:30 P.M.**

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf

Alternate: Councilmember Lori Droste

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE**

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the City Council Agenda & Rules Committee will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL <https://us02web.zoom.us/j/88698899478>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon on the screen.

To join by phone: Dial **1-669-900-9128** or **1-877-853-5257 (Toll Free)** and Enter Meeting ID: **886 9889 9478**. If you wish to comment during the public comment portion of the agenda, press \*9 and wait to be recognized by the Chair.

Written communications submitted by mail or e-mail to the Agenda & Rules Committee by 5:00 p.m. the Friday before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record. City offices are currently closed and cannot accept written communications in person.

# AGENDA

## Roll Call

## Public Comment

## Review of Agendas

1. **Approval of Minutes: April 12, 2021**
2. **Review and Approve Draft Agenda:**
  - a. 5/11/21 – 6:00 p.m. Regular City Council Meeting
3. **Selection of Item for the Berkeley Considers Online Engagement Portal**
4. **Adjournments In Memory**

## Scheduling

5. **Council Worksessions Schedule**
6. **Council Referrals to Agenda Committee for Scheduling**
7. **Land Use Calendar**

## Referred Items for Review

8. **Discussion Regarding Impact of COVID-19 (novel coronavirus) on Meetings of Legislative Bodies**
9. **Systems Realignment Proposal**  
**From: City Manager**  
**Recommendation:** Review and discuss the City Manager's proposal to create improvements to enhance the effectiveness of the City Council legislative and budget processes. Provide feedback for staff to develop a recommendation for full Council consideration.  
Contact: Dee Williams-Ridley, City Manager, (510) 981-7000

## Unscheduled Items

10. **Strengthening and Supporting City Commissions: Guidance on the Development of Legislative Proposals**

## Items for Future Agendas

- Discussion of items to be added to future agendas

### Adjournment – Next Meeting Monday, May 10, 2021

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#### **Additional items may be added to the draft agenda per Council Rules of Procedure.**

*Rules of Procedure as adopted by Council resolution, Article III, C3c - Agenda - Submission of Time Critical Items*

*Time Critical Items. A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the City Manager, Auditor, Mayor or council member is received by the City Clerk after established deadlines and is not included on the Agenda Committee's published agenda.*

*If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar.*

*The City Clerk shall not accept any item past the adjournment of the Agenda Committee meeting for which the agenda that the item is requested to appear on has been approved.*

*Written communications addressed to the Agenda Committee and submitted to the City Clerk Department by 5:00 p.m. the Friday before the Committee meeting, will be distributed to the Committee prior to the meeting.*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Members of the City Council who are not members of the standing committee may attend a standing committee meeting even if it results in a quorum being present, provided that the non-members only act as observers and do not participate in the meeting. If only one member of the Council who is not a member of the committee is present for the meeting, the member may participate in the meeting because less than a quorum of the full Council is present. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.*



#### COMMUNICATION ACCESS INFORMATION:

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

\* \* \*

I hereby certify that the agenda for this special meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on May 6, 2021.



Mark Numainville, City Clerk

## Communications

*Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or [policycommittee@cityofberkeley.info](mailto:policycommittee@cityofberkeley.info).*





**BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE  
SPECIAL MEETING MINUTES**

**MONDAY, APRIL 12, 2021**

**2:30 P.M.**

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf

Alternate: Councilmember Lori Droste

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE**

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To join by phone: Dial **1-669-900-9128** or **1-877-853-5257 (Toll Free)** and Enter Meeting ID: **875 4814 7156**. If you wish to comment during the public comment portion of the agenda, press \*9 and wait to be recognized by the Chair.

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**Roll Call:** 2:33 p.m. All present.

**Public Comment** – 11 speakers.

## **Review of Agendas**

1. **Approval of Minutes: April 5, 2021**  
**Action:** M/S/C (Wengraf/Hahn) to approve the minutes of 4/5/21.  
**Vote:** All Ayes.
2. **Review and Approve Draft Agenda:**
  - a. 4/27/21 – 6:00 p.m. Regular City Council Meeting  
**Action:** M/S/C (Arreguin/Wengraf) to approve the agenda of 4/27/21 with the revisions noted below.
    - Item 17 Disability Access (City Manager) – revised recommendation
    - Item 24 Support AB 490 (Taplin) – Councilmembers Hahn and Harrison added as co-sponsors
    - Item 31 Bonding Capacity (Arreguin) – revised item submitted; scheduled for April 27 Consent Calendar
    - Item 32 CalPERS Investments (Harrison) – scheduled for April 27 Consent Calendar

### **Order of Items on Action**

Item 26 Annual Action Plan

Item 27 Refinancing

Item 28 Bond Issuance

Item 29 Affordable Housing Funds

Item 30 Police Equipment

**Vote:** All Ayes.

3. **Selection of Item for the Berkeley Considers Online Engagement Portal**  
- None Selected
4. **Adjournments In Memory**
  1. Peter Manso, Berkeley Resident and Journalist

## **Scheduling**

5. **Council Worksessions Schedule** – received and filed
6. **Council Referrals to Agenda Committee for Scheduling** – received and filed
7. **Land Use Calendar** – received and filed

## Referred Items for Review

**8. Discussion Regarding Impact of COVID-19 (novel coronavirus) on Meetings of Legislative Bodies**

**Action:** 3 speakers. No action taken.

**9. Systems Realignment Proposal  
From: City Manager**

**Recommendation:** Review and discuss the City Manager's proposal to create improvements to enhance the effectiveness of the City Council legislative and budget processes. Provide feedback for staff to develop a recommendation for full Council consideration.

Contact: Dee Williams-Ridley, City Manager, (510) 981-7000

**Action:** 2 speakers. Item continued to April 26, 2021.

## Unscheduled Items

**10. Strengthening and Supporting City Commissions: Guidance on the Development of Legislative Proposals**

## Items for Future Agendas

- None

## Adjournment

**Action:** M/S/C (Wengraf/Hahn) to approve the minutes of 4/5/21.

**Vote:** All Ayes.

Adjourned at 3:42 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on April 12, 2021.

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Mark Numainville  
City Clerk

## Communications

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## DRAFT AGENDA



### BERKELEY CITY COUNCIL MEETING

**Tuesday, May 11, 2021  
6:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
DISTRICT 2 – TERRY TAPLIN  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – RIGEL ROBINSON  
DISTRICT 8 – LORI DROSTE

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE**

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*Live audio is available on KPFB Radio 89.3. Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx>.*

*To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <<INSERT URL HERE>>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.*

*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free) and enter Meeting ID: <<INSERT MEETING ID HERE>>. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

*Please be mindful that the teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted by teleconference or videoconference.*

*To submit a written communication for the City Council's consideration and inclusion in the public record, email [council@cityofberkeley.info](mailto:council@cityofberkeley.info).*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.*

## Preliminary Matters

### Roll Call:

**Ceremonial Matters:** *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

**City Manager Comments:** *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

**Public Comment on Non-Agenda Matters:** *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

## Consent Calendar

*The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Three members of the City Council must agree to pull an item from the Consent Calendar for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".*

*No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.*

*For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.*

**Public Comment on Consent Calendar and Information Items Only:** *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

*Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.*

## Consent Calendar

- 1. Amendment: FY 2021 Annual Appropriations Ordinance**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance amending the FY 2021 Annual Appropriations Ordinance No. 7,748-N.S. for fiscal year 2021 based upon recommended re-appropriation of committed FY 2020 funding and other adjustments in the amount of \$76,221,382 (gross) and \$51,227,368 (net).  
**Financial Implications:** See report  
Contact: Rama Murty, Budget Office, (510) 981-7000
- 2. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 11, 2021**  
**From: City Manager**  
**Recommendation:** Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.  
**Financial Implications:** Various Funds - \$1,800,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 3. Contract: The Wright Institute for Mental Health Counseling for Older Adults**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to enter into an expenditure contract and any amendments or extensions thereto with The Wright Institute for the term July 1, 2021 to June 30, 2022 with two additional one (1)-year renewal options, for an expenditure not to exceed \$300,000 to fund the cost of providing mental health counseling services to older adults in the Berkeley community.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 4. Contract No. 110062 Amendment: Pacific Site Management for Landscaping Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 110062 with Pacific Site Management for landscaping services. The amount of the amendment is \$146,304, the total, not to exceed limit of the contract will be \$355,822, and the contract end date will be extended to June 30, 2022. The contract will serve the needs of the Public Health Division, Aging Services Division, and the Mental Health Division in ongoing landscape management at their facilities. This amendment will also support a renovation project of the West Berkeley Service Center courtyard to make a safe, ADA compliant, outdoor space that will promote family centered physical activity and host health education activities, such as exercise and nutrition classes.  
**Financial Implications:** Various Funds - \$146,304  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

## Consent Calendar

5. **Contract No. 32000240 Amendment: Berkeley Unified School District for Mental Health MHSA-Funded Programs**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000240 with Berkeley Unified School District (BUSD) to provide Mental Health Services Act (MHSA) funded programs in local schools through June 30, 2021 in an amount not to exceed \$637,778. This amendment will add one year to the contract term and \$245,000 in funding.  
**Financial Implications:** Mental Health Services Act Fund - \$245,000  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
6. **Contract No. 32000236 Amendment: GoGoGrandparent Technologies for Provision of Transportation Services for Seniors and the Disabled**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000236 with GoGoGrandparent Technologies in an amount not to exceed \$90,000 for the period of July 1, 2021 through June 30, 2022 for the provision of a 24/7 call center to arrange rides with Uber and Lyft for customers of Aging Services Division's Berkeley Rides for Seniors & the Disabled program.  
**Financial Implications:** Measure BB Direct Local Distribution Fund - \$90,000  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
7. **Revenue Grant Agreements: Funding Support from Alameda County to Conduct Public Health Services**  
**From: City Manager**  
**Recommendation:** Adopt four Resolutions authorizing the City Manager or her designee to submit grant agreements to Alameda County, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following five revenue agreements:  
1. Foster Care Program in the projected amount of \$93,187 for FY 2022.  
2. Berkeley High School and Berkeley Technology Academy Health Center Programs in the projected amount of \$178,778 for FY 2022.  
3. School Linked Health Services Program (Measure A Funding) in the projected amount of \$193,175 for FY 2022.  
4. Tobacco Prevention Program in the projected amount of \$76,290 for FY 2022.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400



## Consent Calendar

- 8. Revenue Grant Agreements: Funding Support from Essential Access Health to Conduct Public Health Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to Essential Access Health, to accept the grant, execute any resultant revenue agreement and amendment, and implement the projects and appropriation of funding for related expenses to conduct public health promotion, protection, and prevention services for the Essential Access Health revenue agreement in the projected amount of \$180,000 for April 1, 2021 to March 30, 2022.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 9. Salary: Accountant II Internal Alignment**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending Resolution No. 68,626 N.S. Classification and Salary Resolution for Service Employees International Union Local 1021 Community Services and Part-Time Recreation Leaders Association, to increase the salary range for Accountant II, 6.8%, to an hourly salary range of \$45.6375 - \$54.1916 effective May 11, 2021.  
**Financial Implications:** See report.  
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
- 10. Contract: Digital Hands for Cybersecurity Event Monitoring and Security Information and Event Management (SIEM)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to enter into a contract and subsequent amendments with Digital Hands, for Cybersecurity Event Monitoring and Security Information and Event Management (SIEM), for an increased total not to exceed amount of \$614,980, from May 14, 2021 to June 30, 2024.  
**Financial Implications:** Various Funds - \$614,980  
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
- 11. Mills Act Contract – 1 Orchard Lane**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to enter into a Mills Act contract with Gregory LeBlanc for the City Landmark property at 1 Orchard Lane.  
**Financial Implications:** See report  
Contact: Jordan Klein, Planning and Development, (510) 981-7400

## Consent Calendar

**12. Mills Act Contract – 1581 Le Roy Avenue**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to enter into a Mills Act contract with Samuli Seppälä for the City Landmark property at 1581 Le Roy Avenue.

**Financial Implications:** See report

Contact: Jordan Klein, Economic Development, (510) 981-7530

**13. Amending the 1956 Maintenance Agreement with Caltrans and Transfer of Property for I-80 Gilman Interchange Project**

**From: City Manager**

**Recommendation:** Adopt two resolutions authorizing the City Manager to:

1. Negotiate and execute an amendment to the 1956 Freeway Maintenance Agreement between City of Berkeley and Caltrans to include planned new I-80/Gilman Interchange facilities; and

2. Transfer two portions of the City's right of way on Gilman Street to Caltrans under Section 83 of Streets and Highway Code.

**Financial Implications:** See report

Contact: Liam Garland, Public Works, (510) 981-6300

**14. Audit Report: Data Analysis of the City of Berkeley's Police Response**

**From: Auditor**

**Recommendation:** We recommend City Council request that the City Manager report back by November 16, 2021, and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented by the Police Department.

**Financial Implications:** None

Contact: Jenny Wong, Auditor, (510) 981-6750

## Council Consent Items

**15. Support of AB 550 – Speed Safety Cameras**

**From: Mayor Arreguin (Author)**

**Recommendation:** Adopt a Resolution in support of AB 550 (Chiu), which would establish guidelines to pilot speed safety programs on dangerous local streets and active state or local work zones, and requesting that Berkeley be included as one of the pilot cities in the bill. Send a copy of the Resolution to Assemblymembers David Chiu and Buffy Wicks, State Senator Nancy Skinner and Governor Gavin Newsom.

**Financial Implications:** None

Contact: Jesse Arreguin, Mayor, (510) 981-7100

## Council Consent Items

- 16. Support of AB 43 – Safe Streets and Work Zones Act of 2021**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution in support of AB 43 (Friedman), which gives local jurisdictions more flexibility in reducing speed limits on streets with a high rate of injuries and fatalities. Send a copy of the Resolution to Assemblymembers Laura Friedman and Buffy Wicks, State Senator Nancy Skinner, and Governor Gavin Newsom.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 17. Support of AB 629 - Seamless and Resilient Transit Act**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution in support of AB 629 (Chiu), which would require the Metropolitan Transportation Commission to designate transit priority corridors to support fast and reliable transit service and to create a pilot of a multi-operator transit fare pass. Send a copy of the Resolution to Assemblymembers David Chiu and Buffy Wicks, State Senator Nancy Skinner and Governor Gavin Newsom.  
**Financial Implications:** None.  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 18. Proclaiming May 2021 as Mental Health Month**  
**From: Councilmember Taplin (Author), Mental Health Commission**  
**Recommendation:** Adopt a Resolution proclaiming May 2021 as Mental Health Month in the City of Berkeley.  
**Financial Implications:** None.  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120; Jamie Works-Wright, Commission Secretary, (510) 981-5400
- 19. Resolution in Support of Green New Deal for Cities Act of 2021**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** Adopt a resolution in support of the Green New Deal for Cities, Counties, States, Tribes, and Territories by Reps. Cori Bush (D-MO) and Alexandria Ocasio-Cortez (D-NY), cosponsored by California’s 13th Congressional District Rep. Barbara Lee (D-CA), representing Berkeley.  
**Financial Implications:** None.  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

## Council Consent Items

- 20. Budget Referral: Traffic Calming of West Berkeley Pedestrian and Cyclist Crossings**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** That the City Council refers to the budget process the funding of traffic calming improvements as follows: Rectangular Rapid Flashing Beacons: Ashby Way and California Street; Sacramento Street and Channing Way; Cedar Street and Ninth Street; Sixth Street and Channing Way. Pedestrian Hybrid Beacons: Sacramento Street and Russell Street; Channing Way and San Pablo Avenue.  
**Financial Implications:** See report  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 21. Support for Roadmap Home 2030 Plan**  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Adopt a resolution affirming the importance of a multifaceted approach to addressing the housing crisis by endorsing the Roadmap Home 2030 plan and sending a letter to state lawmakers urging them to adopt the recommendations of the plan.  
**Financial Implications:** None  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
- 22. Resolution in support of AB 1289, Smart Climate Agriculture Program and AB 558, California School Plant-based Food and Beverage Program**  
**From: Councilmember Hahn (Author), Councilmember Harrison (Co-Sponsor), Mayor Arreguin (Co-Sponsor)**  
**Recommendation:** Adopt a resolution in support of Assembly Bill 1289, Smart Climate Agriculture Program and Assembly Bill 558, California Plant-based Food and Beverage Program.  
**Financial Implications:** None  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
- 23. Letter of Opposition unless Amended regarding SB 9**  
**From: Councilmember Wengraf (Author)**  
**Recommendation:** Send a letter to Senators Atkins, Caballero, Rubio, Wiener and Skinner, Assemblymember Wicks and Governor Newsom, expressing the Berkeley City Council's concerns about SB 9: Housing development: approvals (Atkins) as drafted, and state our opposition to the bill unless it is amended to address our concerns.  
**Financial Implications:** None  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

## Council Consent Items

### 24. Support for SB-15

**From: Councilmember Wengraf (Author), Councilmember Kesarwani (Co-Sponsor)**

**Recommendation:** Send a letter of support for SB 15 (Portantino) Housing development: incentives: rezoning of idle retail sites, to Senators Portantino and Skinner, Assemblymember Wicks and Governor Newsom. SB 15 would incentivize affordable housing creation by providing grants to local governments who rezone idle retail sites to allow for affordable housing development.

**Financial Implications:** None

Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

### 25. Support for Senator Warren's Student Loan Debt Relief Act (S.2235)

**From: Councilmember Robinson (Author)**

**Recommendation:** Refer to the Council to adopt a resolution in support of Senator Elizabeth Warren's Student Loan Debt Relief Act, which would cancel student loan debt to promote economic growth and reduce wealth gaps.

**Financial Implications:** None

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

### 26. Support for AB 1238, AB 122, and AB 550

**From: Councilmember Robinson (Author)**

**Recommendation:** Send letters to Senator Nancy Skinner, Assemblymember Buffy Wicks, and the various bills' authors in support of AB 1238, AB 122, and AB 550, related to traffic enforcement.

**Financial Implications:** None

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

## Action Calendar

*The public may comment on each item listed on the agenda for action as the item is taken up. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.*

*The Presiding Officer will request that persons wishing to speak use the "raise hand" function to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.*

*Action items may be reordered at the discretion of the Chair with the consent of Council.*

## Action Calendar – Public Hearings

*Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak use the "raise hand" function to be recognized and to determine the number of persons interested in speaking at that time.*

## Action Calendar – Public Hearings

*Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.*

*Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.*

### 27. **Published Charges: Mental Health Clinical Services**

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution establishing Published Charges for Mental Health Clinical Services for FY 2021. Published Charges are effective July 1, 2020.

**Financial Implications:** See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

## Action Calendar – Policy Committee Track Items

### 28. **Amending COVID-19 Emergency Response Ordinance Relating to Commercial Leases**

**From: Mayor Arreguin (Author)**

**Recommendation:** Adopt an urgency ordinance amending Berkeley Municipal Code Section 13.110.050 (COVID-19 Emergency Response Ordinance) to exempt from the provisions of the ordinance commercial leases where the lease term has expired and the City has issued a permit for the demolition or substantial alternation of the commercial unit.

**Financial Implications:** See report

Contact: Jesse Arreguin, Mayor, (510) 981-7100

### 29. **Adopt a Resolution committing the City of Berkeley to the C40 Race to Zero Campaign**

**From: Mayor Arreguin (Author)**

**Recommendation:** Adopt a Resolution committing the City of Berkeley to the C40 Race to Zero Campaign.

**Financial Implications:** See report

Contact: Jesse Arreguin, Mayor, (510) 981-7100

## Action Calendar – Policy Committee Track Items

### 30. Referral to the City Manager to Streamline Accessory Dwelling Unit (ADU) Permit Review and Approval

**From: Councilmember Kesarwani (Author)**

**Recommendation:**

Refer to the City Manager to streamline the Accessory Dwelling Unit (ADU) permitting process in order to reduce staff time spent on review and enhance customer service. Further, assess effectiveness of process improvements specified below by reviewing over time: the number of ADUs permitted, average amount of staff time spent on ADU permit review, and permit fee levels.

Recommend that the City Manager develop for Planning staff use an ADU Universal Checklist and accompanying user-friendly webpage: 1. ADU Universal Checklist. A clear set of universal guidelines and construction requirements should be developed among staff from Planning (both Land Use and Building and Safety Divisions), Fire, and Public Works Departments that is easy to follow in order to eliminate (or significantly reduce) the need for multiple departments to review ADU permit applications and for multiple rounds of review by the same department. The Universal Checklist should be a single document utilized by all City staff to review ADU permit applications and by customers to understand code requirements. The Universal Checklist should enable all City staff and customers to have the same clear understanding of all of the requirements that, if adhered to, would expedite the permitting process and lead to lower permit fees over time. 2. Accompanying User-Friendly Webpage. As a companion to the ADU Universal Checklist, the City should also create a user-friendly webpage for customers (and prospective customers) with up-to-date information that provides clarity and greater certainty about the process and expected timeline for the creation of an ADU or Junior ADU, which is within a main dwelling unit. At a minimum, the webpage should include: A list of relevant fees and expected payment amounts for permits, inspections, and other requirements; Plan requirements, worksheets, and projected timelines for each step of the process; and Consolidated up-to-date state and local regulations that are easy to understand. Recommend that the City Manager consider adoption of the following two best practices: 1. Pre-Approved ADU Design Plans. Consider development of (1) free ADU designs available to download--of varying sizes and styles--that already conform to all City and state requirements and safety codes; and/or (2) a list of vendors with architectural designs and construction drawings that have already been approved by the City and are available to customers for a nominal fee to the architect. 2. ADU Ally. Consider dedicating existing Planning staff member(s) time to the role of an "ADU Ally." The ADU Ally is a customer-facing staff person(s) who is an expert on all current state and local ADU regulations and acts as an ally to customers through the planning and building process.

**Financial Implications:** See report

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

## Action Calendar – Policy Committee Track Items

31. **Establish A Pilot Climate Equity Action Fund to Assist Low-Income Residents with Transition to Zero-Carbon Transportation and Buildings**  
**From: Councilmember Harrison (Author), Mayor Arreguin (Author)**

**Recommendation:**

1. Adopt a Resolution establishing: a. a Climate Equity Action Fund as a repository of grant and municipal funds for equitable climate-related pilot programs for low-income households at or below 50% of Area Median Income or as otherwise designated by Council; and b. an annual process for the Energy Commission (or successor) and Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee (FITES), in consultation with community groups, to provide input to staff and Council about eligible categories of fund expenditures (e.g., transportation modal shift or building electrification) to maximize equitable emissions reductions and impacts for eligible households.
2. Refer to the June, 2021 budget process: a. \$500,000 of general fund monies from excess equity as seed funding for the Climate Equity Action Fund pilot program; and b. \$100,000 for staff costs associated with the Finance Department and OESD in administering applications and disbursement of monies.

**Financial Implications:** See report

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

## Information Reports

32. **Berkeley Energy Commission Work Plan for 2021-2022**  
**From: Energy Commission**  
Contact: Billi Romain, Commission Secretary, (510) 981-7400
33. **Streets Audit Report Wins National Recognition**  
**From: Auditor**  
Contact: Jenny Wong, Auditor, (510) 981-6750

## Public Comment – Items Not Listed on the Agenda

### Adjournment

**NOTICE CONCERNING YOUR LEGAL RIGHTS:** *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

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Archived indexed video streams are available at <http://www.cityofberkeley.info/citycouncil>. Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.



Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be posted on the City's website at <http://www.cityofberkeley.info>.

Agendas and agenda reports may be accessed via the Internet at <http://www.cityofberkeley.info/citycouncil>

**COMMUNICATION ACCESS INFORMATION:**

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Captioning services are provided at the meeting, on B-TV, and on the Internet.

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CONSENT CALENDAR

May 11, 2021

**To:** Honorable Mayor and Members of the City Council

**From:** Jenny Wong, City Auditor *zw*

**Subject:** Audit Report: Data Analysis of the City of Berkeley's Police Response

RECOMMENDATION

We recommend City Council request that the City Manager report back by November 16, 2021, and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented by the Police Department.

CURRENT SITUATION AND ITS EFFECTS

We analyzed the Berkeley Police Department (BPD) Computer Aided Dispatch (CAD) data from 2015 to 2019. We analyzed characteristics of events, characteristics of officer-initiated stops, and characteristics of police responses.

From 2015-2019, Berkeley police responded to a total of 360,242 events, or an average of 72,048 events per year. Ten call types accounted for 54 percent of all events—traffic stops, disturbance, audible alarm, noise disturbance, security check, welfare check, parking violation, suspicious circumstance, trespassing, and theft. Officer-initiated responses were 27 percent of event responses, while 55 percent were the result of calls to the non-emergency line and 18 percent were from 911 calls.

During that time, Berkeley police initiated 56,070 stops. We found 78 percent of officer-initiated stops were vehicle stops, the majority of which did not lead to a search and most led to a warning. Mirroring prior findings by the Center for Policing Equity, data we reviewed showed Black people were stopped at a significantly higher rate than their representation in the population (34 percent compared to 8 percent), and Blacks and Hispanics were more likely to be searched following a stop.

BPD dispatched an average of 1.8 patrol officers per event. Three or more officers responded to 40 percent of events. Events designated as (high) Priority Level 0-2 accounted for 56 percent of events, which require a response time of 20 minutes or less, while 44 percent were lower priority requiring a response time of an hour or longer from a call.

We found that the number of events that involved homelessness or mental health and the amount of time police spent responding to these events are not quantifiable due to insufficient data. We also found that The City's Open Data Portal provides the public with limited information about events that BPD responds to. There are opportunities for BPD to improve transparency by increasing the type and scope of data available on the portal.

We recommend BPD identify all calls for service that have an apparent mental health and/or homelessness component. We also recommend BPD expand the current calls for service data available on the City Open Data Portal to include all call types and data fields for as many years as possible. BPD agrees with our recommendations.

### BACKGROUND

Following the killing of George Floyd by Minneapolis police in May 2020, a national conversation ensued about policing, race, and the proper level of resources cities should devote to law enforcement. The Berkeley City Council held several meetings and hundreds of community members provided. Initially proposed by Councilmember Bartlett and incorporated by Mayor Arreguín, analysis of police data was included in Safety for All: The George Floyd Community Safety Act, a broader item on policing that City Council passed in July 2020. We offered to conduct the analysis.

This audit is intended to give decision makers and the public a broad overview of calls for service, officer-initiated stops, and police responses and to help inform the community engagement process around reimagining policing in Berkeley, which is currently underway. Our report examined data from 2015 through 2019.

### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with this report.

### RATIONALE FOR RECOMMENDATION

Implementing our recommendations will increase transparency and build a richer data set. The audit does not propose recommendations with regard to police activities or personnel allocations. There is a separate community process for reimagining public safety and policing.

### CONTACT PERSON

Jenny Wong, City Auditor, City Auditor's Office, 510-981-6750

### Attachments:

1: Audit Report: Data Analysis of the City of Berkeley's Police Response

Audit Report  
April 22, 2021

# Data Analysis of the City of Berkeley's Police Response



BERKELEY CITY AUDITOR



# Data Analysis of the City of Berkeley's Police Response

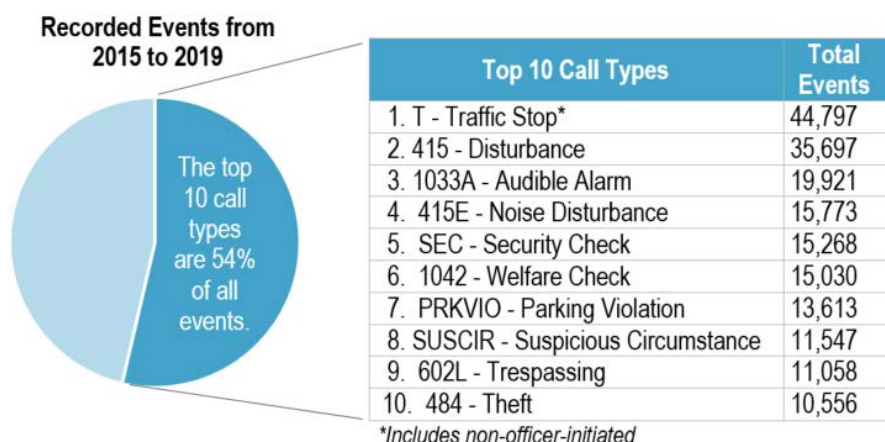
## Report Highlights

April 22, 2021

### Findings

- From 2015-2019, Berkeley police responded to an average of 72,048 events per year.
- Ten call types accounted for 54 percent of all events: traffic stops, disturbance, audible alarm, noise disturbance, security check, welfare check, parking violation, suspicious circumstance, trespassing, and theft.

#### Top 10 Most Common Call Types of Events, 2015-2019



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

- Officer-initiated responses were 27 percent of event responses, while 55 percent were the result of calls to the non-emergency line and 18 percent were from 911 calls.
- The majority, 78 percent, of officer-initiated stops were vehicle stops, and most of them occurred between 9:00pm and 12:00am. The majority of vehicle stops did not lead to a search, and most stops led to a warning.
- Events with a priority level of 0 to 2, which require personnel to be dispatched within 20 minutes of the call, made up 56 percent of all events. Forty-four percent were lower priority events and required personnel to be dispatched within an hour to 90 minutes after the initial call.

### Objectives

1. What are the characteristics of calls for service to which Berkeley Police respond?
2. What are the characteristics of officer-initiated stops by Berkeley Police?
3. How much time do officers spend responding to calls for service?
4. How many calls for service are related to mental health and homelessness?
5. Can the City improve the transparency of Police Department calls through the City of Berkeley's Open Data Portal?

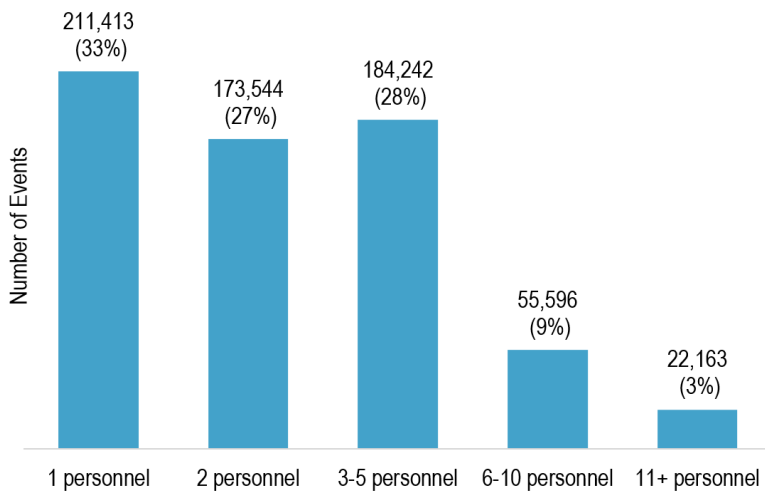
### Why This Audit Is Important

In response to the killing of George Floyd by Minneapolis police in May 2020 and subsequent protests across the nation, a national conversation ensued about policing. The Berkeley City Council initiated a robust community process to reimagine policing in Berkeley, and passed a proposal requesting analysis of Berkeley's police data. This report is intended to give decision makers and the public a broad overview of calls for service, officer-initiated stops, and police responses and to help inform the community engagement process around reimagining policing in Berkeley.



- Mirroring prior findings by Center for Policing Equity, which were based on data through 2016, data we reviewed showed that BPD stopped Black people at a significantly higher rate than their representation in the population (34 percent compared to 7.9 percent), while BPD was most likely to search Black and Hispanic people following a stop.
- On average, Berkeley Police Department dispatched 1.8 patrol officers per event. In 40 percent of events, the Communications Center dispatched three or more personnel, including officers and non-Berkeley Police Department personnel.

**Number of Personnel Response per Event, 2015-2019**



Source: Auditor’s analysis of Berkeley Police Department Computer Aided Dispatch data

- The number of events that involved homelessness or mental health and the amount of time police spent responding to these events are not quantifiable due to insufficient data.
- The City’s Open Data Portal provides the public with limited information about events that Berkeley Police Department responds to. There are opportunities for Berkeley Police Department to improve transparency by increasing the type and scope of data available on the portal.

## Recommendations

We recommend that the Berkeley Police Department identify all calls for service that have an apparent mental health and/or homelessness component in a manner that protects the privacy rights of individuals involved. We also recommend that the Berkeley Police Department expand the current calls for service data available on the City’s Open Data Portal to include all call types and data fields for as many years as possible. City Management agreed with our recommendations.

The audit does not propose recommendations with regard to police activities or personnel allocations. There is a separate, ongoing community process for reimagining public safety and policing.



For the full report, visit:  
<http://www.cityofberkeley.info/auditor>

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## I. Introduction

Following the killing of George Floyd by Minneapolis police in May 2020, a national conversation ensued about policing, race, and the proper level of resources cities should devote to law enforcement in relation to other services and approaches. The Berkeley City Council held several meetings throughout the spring and summer to discuss a variety of proposals related to policing, and hundreds of community members provided input through public comment, phone calls, and emails.

Among the items discussed was a proposal by Councilmember Ben Bartlett to analyze data on police activities in the City of Berkeley and initiate a public process to discuss various potential changes to policing in the City. The City Auditor offered to conduct analysis of police data requested as part of this proposal. Mayor Jesse Arreguín incorporated the call for this analysis into the Safety for All: The George Floyd Community Safety Act, a broader item on policing that City Council passed in July 2020.

In this audit, we present the results of our analysis. It is intended to give decision makers and the public a broad overview of calls for service, officer-initiated stops, and police responses and to help inform the community engagement process around reimagining policing in Berkeley, which is currently underway. It is also intended to provide information to the broader community around events that involve police personnel. This report is the first in a series of audits on policing. Analysis of the police budget is forthcoming.

### Objectives, Scope, and Methodology

We answered the following audit objectives, the first three of which were requested in the Safety for All: The George Floyd Community Safety Act:

1. What are the characteristics of calls for service to which Berkeley Police respond?
2. What are the characteristics of officer-initiated stops by Berkeley Police?
3. How much time do officers spend responding to calls for service?
4. How many calls for service are related to mental health and homelessness?
5. Can the City improve the transparency of Police Department calls through the City of Berkeley's Open Data Portal?

We analyzed Berkeley Police Department Computer Aided Dispatch (CAD) data from 2015 to 2019. The full list of CAD data fields are in Appendix A. We explored various models for categorizing and characterizing data on police activities and consulted a range of stakeholders, including the Berkeley Police Department (BPD), the National Institute for Criminal Justice Reform hired by the City to lead the reimagining policing process, other City departments, community stakeholders, and subject matter experts to inform how we characterized the data. The purpose of this process was to ensure that we presented the data in a way that is as accurate, clear, and as easy to understand as possible.

The audit does not propose recommendations with regard to police activities or personnel allocations. There is a separate, ongoing community process for reimagining public safety and policing. Given the timing of that process and the scope of this report, we did not do an in-depth analysis of alternative policies or approaches to policing. However, we do make recommendations aimed at making data more transparent and available to the public.

The following describes the scope and limitations of data included in this report:

- **Focus on 2015 to 2019 time period.** Given the anomalies in patrol team staffing and other impacts of the COVID-19 pandemic, we analyzed data from January 01, 2015 to December 31, 2019.
- **Responses that include sworn BPD officers.** We analyzed data for responses that have at least one sworn BPD officer. Some responses also include other units in addition to sworn BPD officers, such as non-sworn BPD personnel, or non-police personnel from other City departments.
- **Emphasis on patrol officers.** The CAD data source primarily documents responses by patrol officers who are usually the first and primary responders to calls for service. As such, our analysis focuses on the patrol functions of the Berkeley Police Department. There are additional activities within BPD that are not captured in the CAD data and therefore were outside the scope of this audit.
- **Partial snapshot of response from other non-patrol units.** We show data about other units involved in calls, but only if they are documented in CAD. As such, we do not include all calls by these other units, such as the Mobile Crisis Team.
- **Call types are not proof of a crime.** In CAD, dispatchers assign calls for service to a call type based on the nature of the call. In many cases, the assigned call type may reference a certain type of crime. However, assigning calls to these call types does not constitute proof of a crime. Further, any type of call may result in a crime report from the primary BPD officer assigned to the event.
- **Geography not included.** We did not conduct a geographic analysis. Patrol officers are assigned to work in a specific geographical area, called a beat, typically with up to 10 or 11 officers and two sergeants on each patrol team. A deep dive geographic analysis would have required significant additional time and was beyond the scope of our audit.
- **Caller may be from any jurisdiction.** The callers and individuals involved in events may or may not be Berkeley residents.
- **Does not include number of calls received for each event.** This report does not include the number of calls that were made to the Communications Center for each individual event. Data about individual callers is excluded from the report because we did not receive this information in the data. However, we describe the type of call source, such as whether a call came from the emergency line or was initiated by the officer.

For more information on our methodology, see [page 62](#).

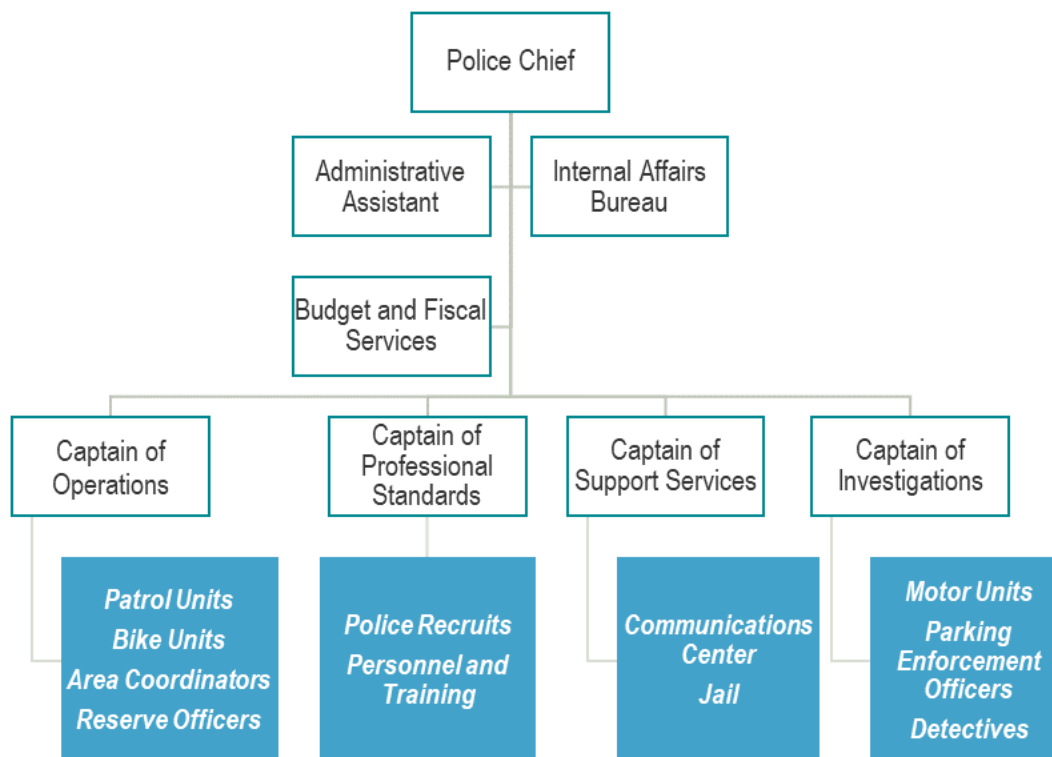
## II. Background

### Organizational Context

Berkeley's City Charter established the Berkeley Police Department (BPD) and its functions, which operate under the direction of the Chief of Police and the administrative direction of the City Manager. According to its website, BPD's mission is to safeguard Berkeley's diverse community through proactive law enforcement and problem solving, treating all people with dignity and respect.<sup>1</sup>

BPD's fiscal year 2020 budget includes 285.2 full-time equivalent positions including 181 who are sworn in as law enforcement officers (sworn officers) and another 104.2 professional employees, serving a city of over 120,000 people.

Figure 1. Berkeley Police Department Organization Chart



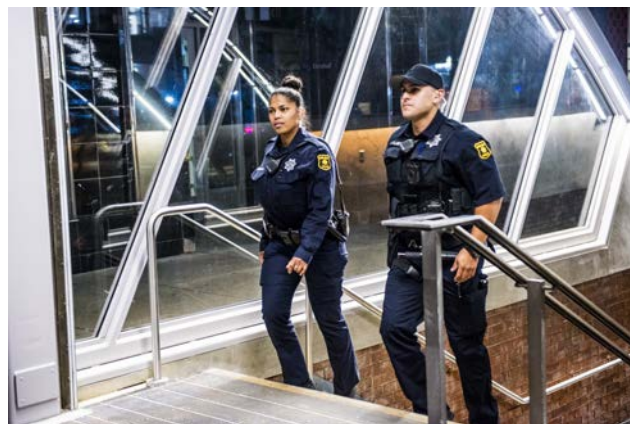
Source: Berkeley Police Department

BPD personnel that respond to calls for service may be sworn officers or professional personnel, and the latter are also referred to as “non-sworn” or “civilian.” According to BPD Policy 102, sworn officers take or affirm an oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer as specified in the California Constitution. The California penal code grants sworn officers the authority to wear a badge, carry firearms, and make arrests in performing their police duties as authorized and under the terms specified by their employing agencies.

<sup>1</sup> Berkeley Police Department Mission, Vision, and Values: [https://www.cityofberkeley.info/Police/Home/About\\_Our\\_Department.aspx](https://www.cityofberkeley.info/Police/Home/About_Our_Department.aspx)

## Event Response Personnel

**BPD Patrol Teams.** BPD patrol teams are the primary responders dispatched to events. They provide services 24 hours a day, seven days a week. BPD policy states that the function of patrol teams are to respond to calls for service and reports of criminal activity, act as deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community, and respond to emergencies. Patrol officers may also self-dispatch based on their geographic proximity or seriousness of the event depending on priority level.



**BPD Communications Center.** The call takers and dispatchers working in the BPD Communications Center have the important role of answering emergency and non-emergency calls and dispatching police officers to events. Call takers accept and process inbound 911 and administrative calls for police, fire, and medical services as well as other services such as animal control. They also input call information into the Computer Aided Dispatch (CAD) system and transfer the information to fire and police dispatcher staff. Dispatchers coordinate all police-related calls requiring a response from law enforcement and enter all officer-initiated incidents into CAD such as pedestrian and traffic stops. They also maintain radio contact with field staff.

**Other Units.** Other personnel may be dispatched as needed to support patrol officers responding to an event. Other units can include other BPD personnel such as Area Coordinators, Bike Unit Officers, Parking Enforcement Officers, and Crime Scene Technicians. Other personnel dispatched to support patrol teams may also include non-BPD personnel such as Animal Control, the Mobile Crisis Team, and University of California Officers.<sup>2</sup> As an example, if the Communications Center receives a call about a situation that involves a person experiencing a mental health crisis, they may dispatch BPD officers and also dispatch the Mobile Crisis Team of non-police mental health professionals from the City's Mental Health Division.

All other units are described in greater detail on [page 45](#).

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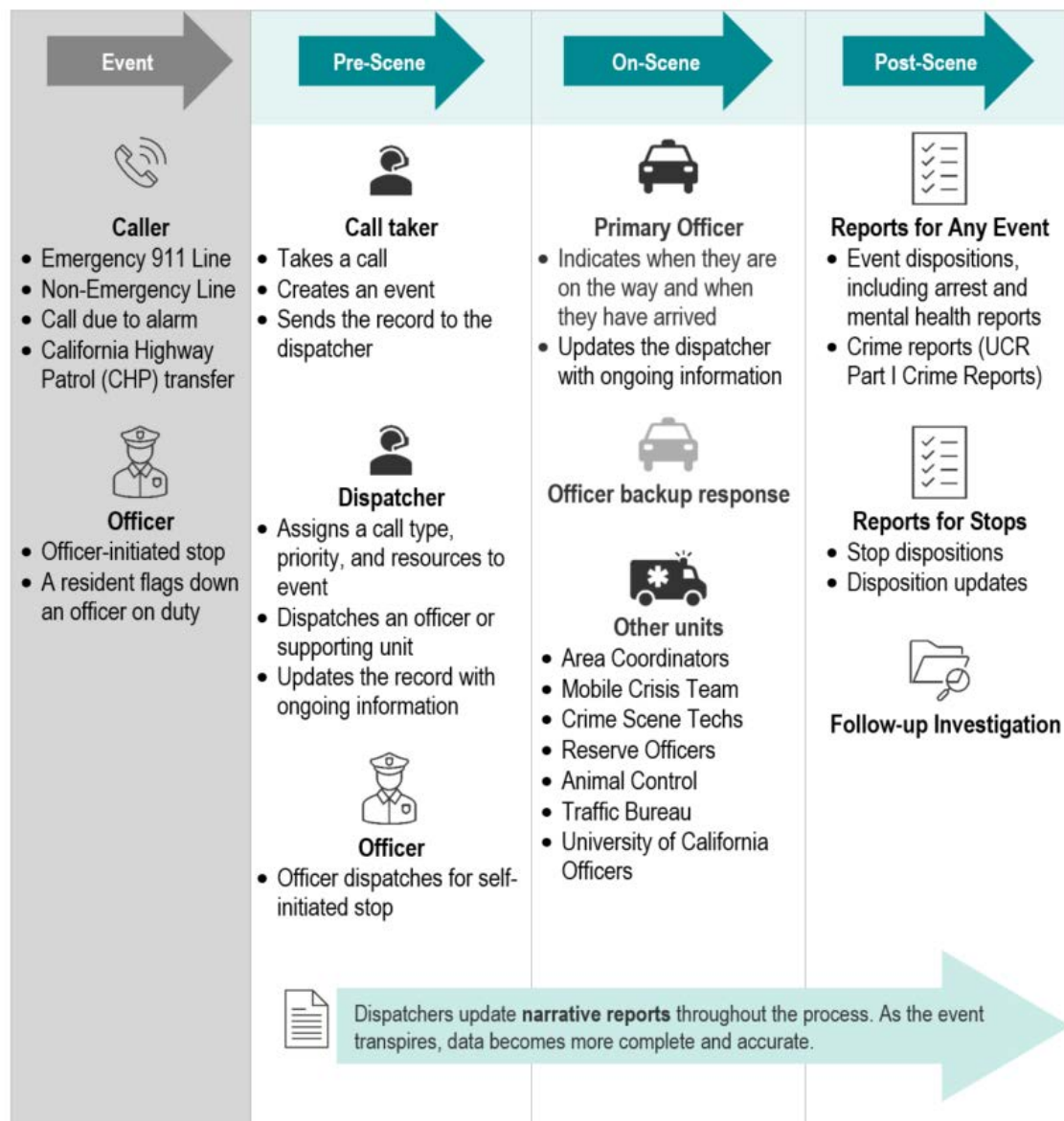
<sup>2</sup> While some calls may involve the Berkeley Fire Department, we do not have data on Fire personnel who responded to these BPD events.

<sup>3</sup> We conducted this analysis based on data pulled from CAD, but we did not verify the error rate of data in CAD. We did not attempt to match up the thousands of records in the system with other internal and external documents.

## Process for Responding to Calls

BPD's process for responding to events reflects the interactions between community members, the Communications Center, and the responding BPD officers. The response process heavily influences the integrity of the data that informs this report.<sup>3</sup> BPD uses a CAD software system to prioritize and record events, track the status and location of officers in the field, and effectively dispatch personnel. It is crucial to remember that the response process involves situations that are evolving and often require fast action before all the information about the situation is known. CAD is not optimized to give responders all the information they need before arriving at the scene. There are several roles responsible for entering data into CAD throughout the response process. We detail the police department's response process in Figure 2 below.

Figure 2. Berkeley Police Department's Response Process



Note: We did not analyze responses by Berkeley Fire Department, Emergency Medical Services, or other such units that may provide support for BPD patrol officers that were not included in the dataset provided by BPD.

Source: Berkeley City Auditor



**Event.** In context of this report, “events” refer to situations that are entered in the CAD system that resulted in a response by at least one sworn officer. There are several ways an event is initiated. Community members initiate events by calling the 911 emergency or non-emergency lines, or by flagging down an on-duty officer. Police officers may initiate events on their own. Events are also initiated when an alarm goes off or when CHP transfers a call. It is possible to have multiple incoming calls for one event.

**Pre-scene.** When someone calls 911 or the non-emergency line, a dispatcher receives the call and collects specific information, such as the address of the event, the possible issue, if there is a weapon, and the people involved to begin dispatching the appropriate personnel to the scene. The initial call taker enters this information into the CAD database. Dispatchers assign a call type and priority, then dispatch officers accordingly. The dispatcher has the ability to enter narrative data at any time to provide ongoing information to the officer regarding the nature of the event.



Information entered into CAD at this stage may not always match the information entered later in the response process. By the time an officer arrives, a burglary may no longer be in progress, a noisy party may have dispersed, or, if the delay between call and response is long enough, the caller may have left the location.

**On-scene.** Police officers notify a dispatcher when they are on their way to the scene and when they arrive. Due to the changing nature of events, the police officer assigned as the primary unit also collects additional information on scene. The CAD event will be updated as information becomes available by either the officer or dispatcher, however, the call type is final once the officer arrives and a responding officer cannot change the call type in CAD. The evolving situation of a call may lead to a dispatcher assigning additional police or other units to the scene, or officers nearby may self-dispatch to provide backup.

**Post-scene.** Once the event is closed, the primary officer on scene completes an incident report if required by the severity of the event, and updates the CAD file with any new information. Those reports are submitted to the patrol shift supervisor and either approved or revised. Typical revisions include clarifying dates, police codes, or providing additional details. According to BPD, disposition codes are most often entered by an officer. However, an officer may also radio into the Communications Center about the event and a dispatcher will enter disposition information.

**Quality control.** Each day, a records clerk reviews the BPD Communications Center reports for clarity and completeness. This includes verifying call codes, addressing typos, confirming addresses using Global Positioning System (GPS), and identifying where there may be missing information. Once the record has met their quality control requirements, the call is uploaded into the separate Law Enforcement Records Management System (LERMS) where it is stored along with the raw CAD file from the call.

## Assigned Call Types

Dispatchers at the BPD Communications Center assign each event a call type that describes important information about the events unless the event is officer-initiated. BPD uses many call types. Some describe a potential crime (e.g., robbery, assault, gambling), while others describe the location (e.g., fall on city property), people involved (e.g., missing juvenile), or a situation that may not be related to crime (e.g., welfare check, vehicle stop). In addition, the Communications Center uses call types in order to assign priorities and resources to the event, as discussed further in the section on priority levels. Call types for events are assigned prior to arrival of BPD staff, and they may differ from the actual event that took place after the event has concluded.

## Call Type Classifications

According to the data, BPD used 138 unique call types. We consolidated these call types into nine descriptive categories for reporting purposes. Similar call type classifications have been used to organize call for service data for reporting purposes in similar jurisdictions such as Portland,<sup>4</sup> Austin,<sup>5</sup> and Oakland.<sup>6</sup> Building on these efforts, we organized BPD's call types into categories through input from external subject matter experts, the BPD Communications Center, and BPD officers with relevant experience (Table 1).

The City Auditor call type classifications are descriptive. They do not, by themselves, imply a recommended policy change. Further, assigned call types under the crime classifications may not necessarily mean a crime has taken place. Each specific call type within each classification is listed at the end of the report under Appendix G. For more information on the methodology used to classify call types, see [page 63](#).

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<sup>4</sup> City of Portland Police Bureau, "Introduction to Calls for Service," <https://www.portlandoregon.gov/police/article/676725>

<sup>5</sup> AH Datalytics, "Assessment of Austin Police Department Calls for Service," <https://austinjustice.org/wp-content/uploads/2020/07/Analysis-of-Austin-Police-Department-Calls-for-Service-3.pdf>

<sup>6</sup> Center for Public Safety Management. "Police Data Analysis Report," <https://cao-94612.s3.amazonaws.com/documents/CPSM-Oakland-CFS-Report-Dec-2020.pdf>

Table 1. Description of City Auditor Call Type Classifications

| Classification                         | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Violent Crimes<br>(FBI Part I Crimes)  | Events that fall into the definition of Part I crimes by the Federal Bureau of Investigation (FBI) Uniform Crime Reporting (UCR) Program that are crimes against a person. The FBI UCR program defines these crimes as criminal homicide, rape, robbery, and aggravated assault. Only assaults specifically identified as aggravated are included as a Part I offense.                                                                                                                                                                                                                                      |
| Property Crimes<br>(FBI Part I Crimes) | Events that fall into the definition of Part I crimes by the FBI UCR Report that are property crimes. These include arson, burglary, motor vehicle theft, and larceny theft. This does not include theft by fraud, forgery, or embezzlement.                                                                                                                                                                                                                                                                                                                                                                |
| FBI Part II Crimes                     | FBI Part II crimes include all other crimes that are not included as Part I crimes. While some of these crimes are very serious, including kidnapping and child molestation, the majority of these crimes are crimes such as disturbing the peace and trespassing, which in some cases may be infractions and not actually criminal.                                                                                                                                                                                                                                                                        |
| Community                              | <p>Calls that assist the community in managing events that pose a potential threat to safety or public order. They are most often not initiated by an officer. These include but are not limited to:</p> <ul style="list-style-type: none"> <li>• Civil matters where police presence is requested to ensure the situation does not escalate (e.g., advice, extra surveillance, civil standby).</li> <li>• Calls related to disturbances or other problems that result in a police response to assess and resolve the situation.</li> <li>• Contacts with the community, such as aid to citizen.</li> </ul> |
| Medical or Mental health               | Events primarily related to medical assistance to the community. They may involve a dispatch from Emergency Medical Services (EMS) for added support.                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Traffic                                | Events that typically involve enforcement of traffic and parking laws, and management of traffic flows. In addition, these calls may involve events pertaining to vehicles, such as collisions or road hazards. This classification also includes pedestrian, bike, suspicious vehicle, and vehicle stops.                                                                                                                                                                                                                                                                                                  |
| Informational or Administrative        | Calls that are non-investigative assistance or administrative in nature, such as property damage or information.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Investigative or Operational           | Calls that require investigative or operational input, such as a wireless 911 call or outside agency assist.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Alarm calls                            | Calls initiated by the activation of an audible, silent, duress, and/or monitored alarm of a vehicle, residence, business, or other premise. Example alarms include audible alarm, GPS tracker alarm, silent alarm, Pronet (bank) alarm, or video alarm.                                                                                                                                                                                                                                                                                                                                                    |

**Note:** These are the events classified by call types, not the final report or crime.

**Source:** Berkeley City Auditor



### III. Characteristics of Events

#### *Analysis of 360,242 events from 2015-2019*

This section offers an overview of the events in the City of Berkeley that resulted in a police response from 2015 to 2019. In context of this report, “events” refer to situations that are entered into the CAD system that resulted in a response by at least one sworn officer. We present information about the characteristics of events in Berkeley, including the frequency of events over time, types of events, how events are initiated, priority level, outcomes, and events that result in crime reports. The figures in this section draw from a sample of 360,242 events within the CAD files we obtained from BPD.

The City has averaged 72,048 events per year, and more occurred during summer months and on Friday and Saturday evenings. This report classifies most of those events, 73 percent, as Traffic, Community, and FBI Part II Crimes and those events have consistently been the majority from 2015 to 2019. Community and FBI Part II Offense events were mostly initiated by calls to the non-emergency line, and the non-emergency line accounted for 55 percent of the initiation calls. These most frequent call types include traffic stop, disturbance, and audible alarms. The most frequent officer-initiated events include traffic stop, security check, and pedestrian stop. While only six percent of events resulted in a Part I UCR crime report linked to a CAD event, larceny theft was by far the most common Part I UCR crime reported to the FBI. Audible alarms were the call type that resulted in the most arrests.

The characteristics of events shape the priority and extent of BPD's response. For instance, the number of officers that are available to respond to the call varies depending on the location, time of day and day of the week. Events vary in complexity, and can include anything from a request for a security check to a report of a serious crime. Characteristics such as the severity of the situation and number of people involved also influence the priority level and the number of officers dispatched, along with their sense of urgency about the situation. Additionally, the assigned call type for the events in this report may not necessarily be the actual event outcome since call types are assigned prior to personnel arriving on scene.

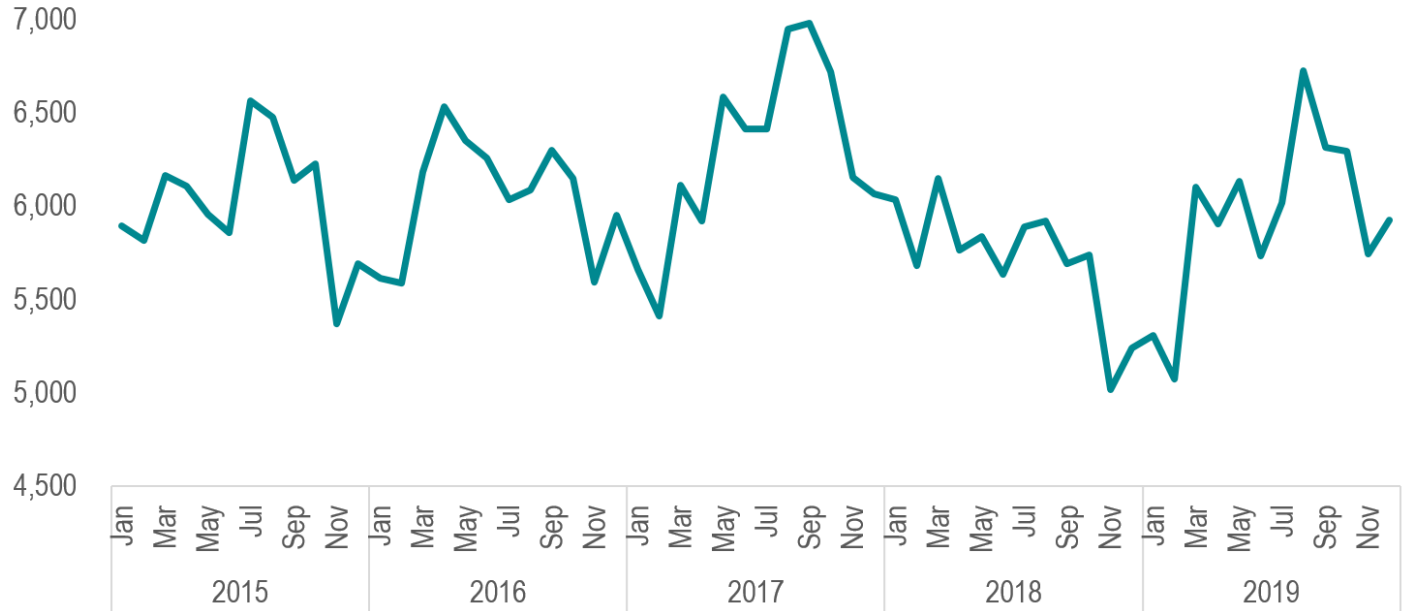
We review the following components related to events:

1. Overall Event Frequency
2. Events by Time and Day of the Week
3. Events by Call Type Classification
4. Event Initiation Source
5. Assigned Call Type
6. Priority Levels
7. Events that Result in an Arrest
8. Events that Result in a UCR Part I Report

## Overall Event Frequency

Figure 3 demonstrates the total number of events in the City on a monthly basis, from January 2015 to December of 2019, in order to show seasonal changes in the frequency of events over time.

Figure 3. Events Captured in CAD by Month, 2015-2019 (n = 360,242 events)



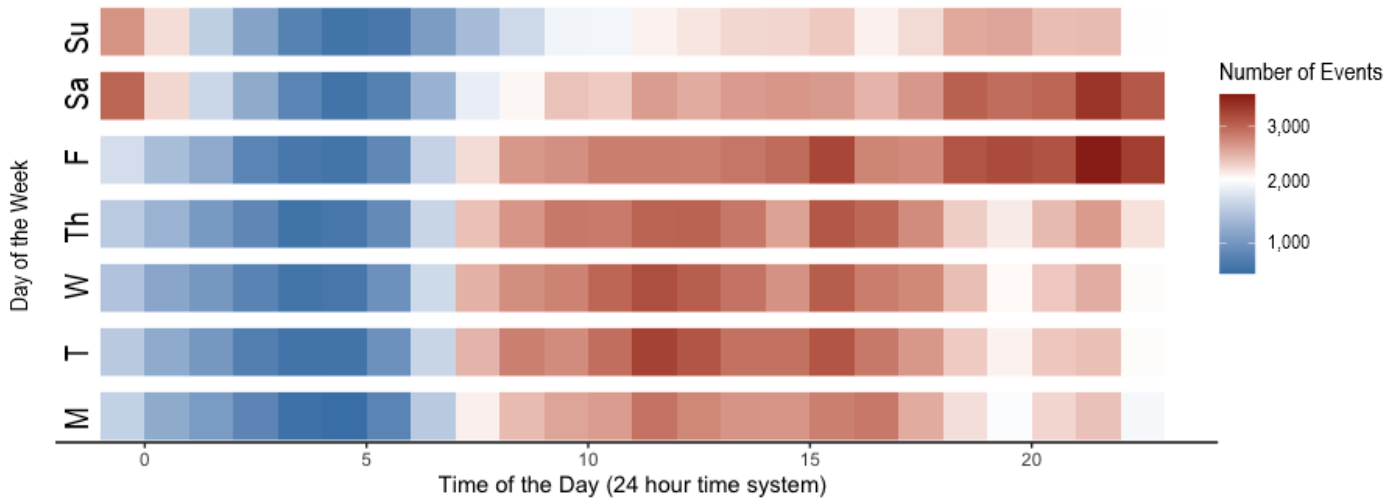
Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

The number of events for the City of Berkeley has hovered around an average of 72,048 events per year. The trend line indicates that more events occur in the summer, while events decline during the winter. In addition, the data show a notable decline in events in 2018. This drop in events is reflected in other time series throughout this report. We did not investigate the reason for the drop in the calls as this extended beyond the scope of analysis for this audit.

## Events by Time and Day of the Week

Figure 4 shows all of the events from 2015 to 2019 in which the Communications Center created a CAD event to demonstrate the frequency of events by the time of day and day of week. The chart is organized by the time of day on the bottom (x axis) and the day of the week on the left side (y axis). The blue color reflects fewer events, while a deeper red reflects more events. The largest number of events occur on Friday and Saturday evenings with a spike between the hours of 9:00 and 10:00 at night. The majority of weekday events (Monday-Thursday) with a police response occur between the hours of 8:00 in the morning and 6:00 at night.

Figure 4. Number of Events by Time and Day of Week, 2015-2019 (n = 360,242 events)



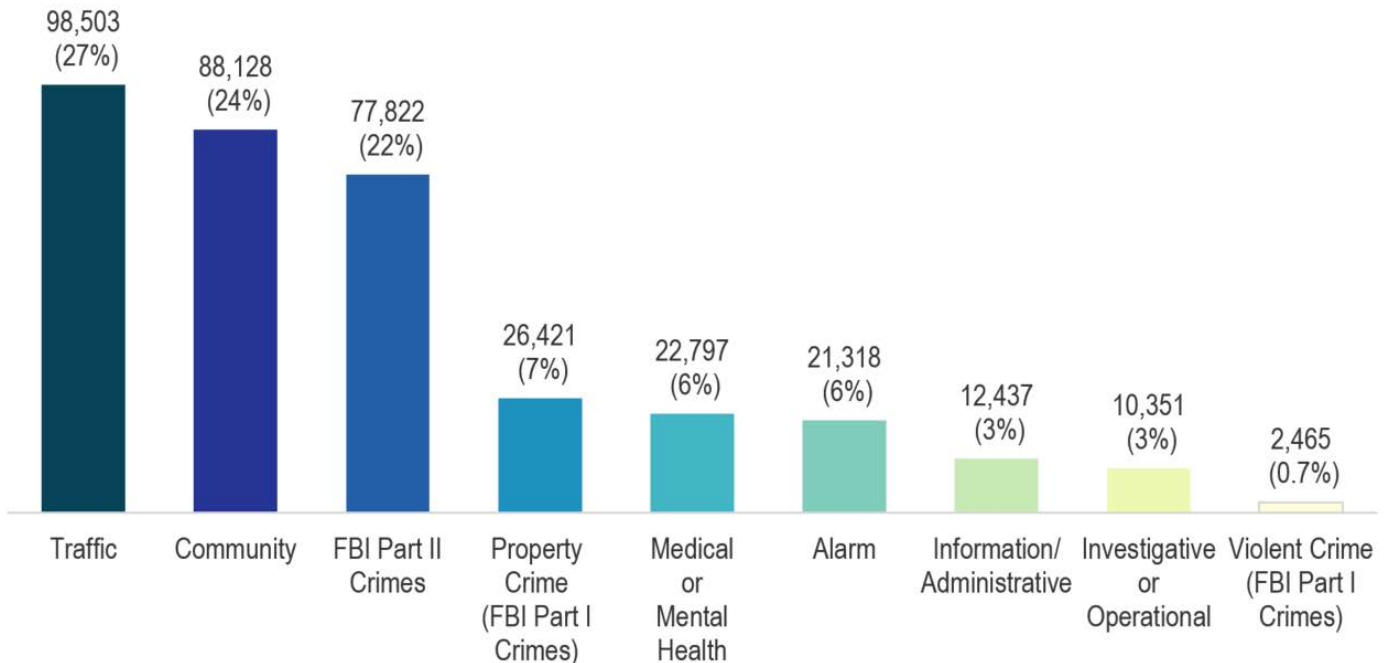
Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

### Events by Call Type Classification

In this section, we present events grouped by classification. We describe call types related to mental health and homelessness in more depth in section VI. Appendix G provides the full list of call types and their corresponding classifications.

Figure 5 shows the frequency of events organized by classification as discussed on [page 12](#). Note that while many crime call types fall within Part II crimes, the majority, or 60 percent, of the events are either disturbance or trespassing.

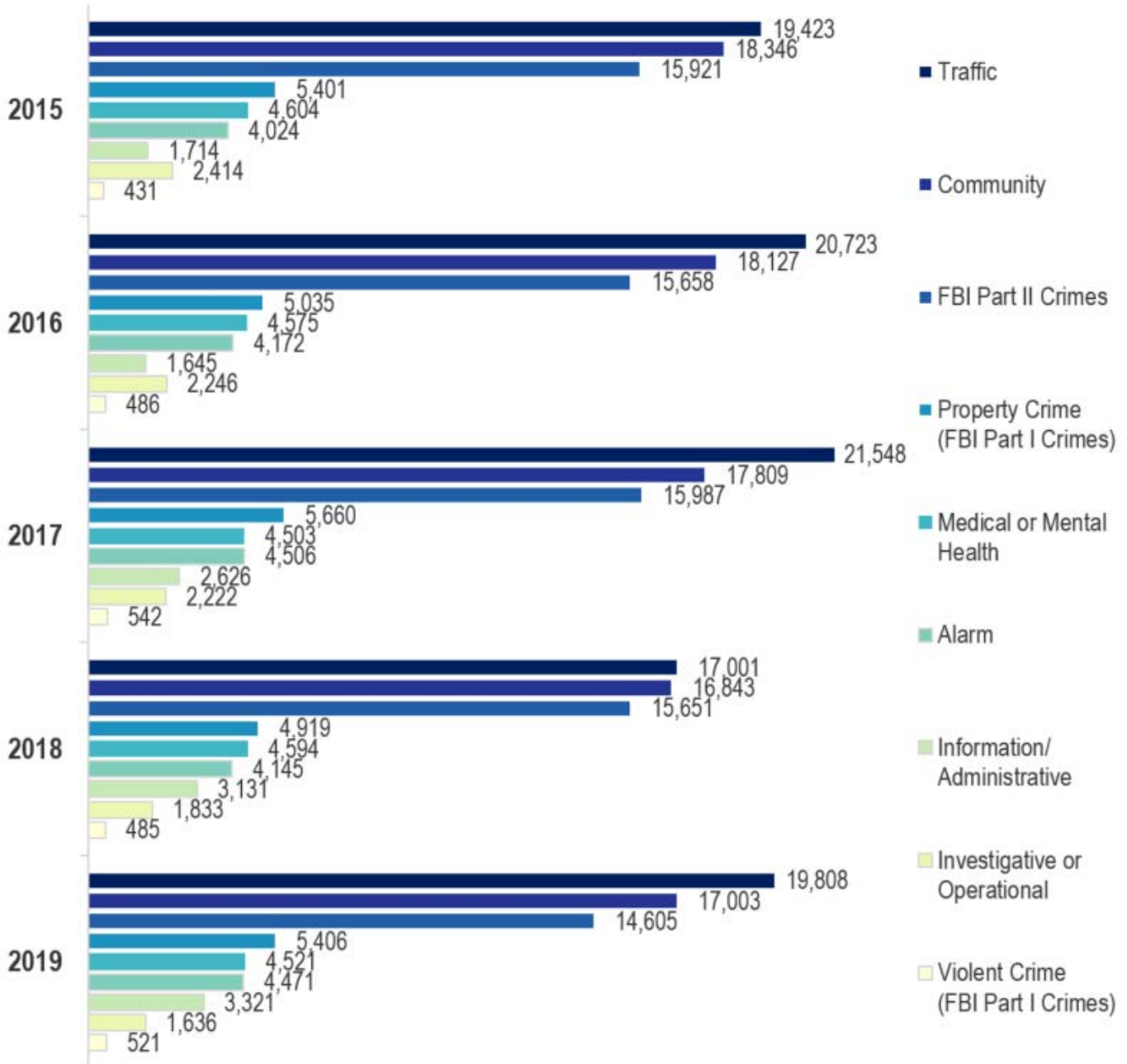
Figure 5. Events by City Auditor Classifications, 2015-2019 (n = 360,242 events)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Figure 6 shows the number of events that fall into each call type classification over the years. The figure demonstrates whether there have been changes in some of the call type classifications over the years. It is important to note that the BPD has the authority to add or eliminate call types. The removal or addition of call types can be a contributing factor in the increase or decrease of call types in the data. We did not assess the impacts of changing call types as this extended beyond the scope of analysis for this audit.

Figure 6. Events by City Auditor Classification and Year, 2015-2019 (n = 360,242 events)

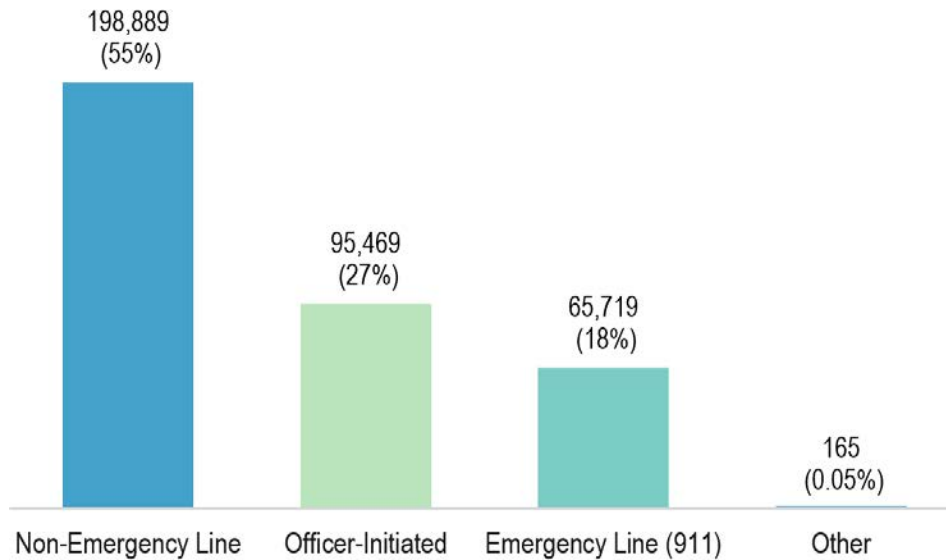


Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

## Event Initiation Source

As discussed in Section II, multiple callers may call in to the Communications Center to report an event. The data does not indicate the number of calls received by the Communications Center to report an event. However, according to BPD, dispatchers can add additional information from multiple callers to one CAD event record. If more than one CAD record is created for one event, the records will be merged into one record retaining all information. The CAD data we received does include the source of information that led to the event being created. Figure 7 breaks down the share of callers by three main categories: the emergency line, non-emergency line, officer- initiated, and other.

Figure 7. Initiation Source of Events, 2015-2019 (n = 360,242 events)

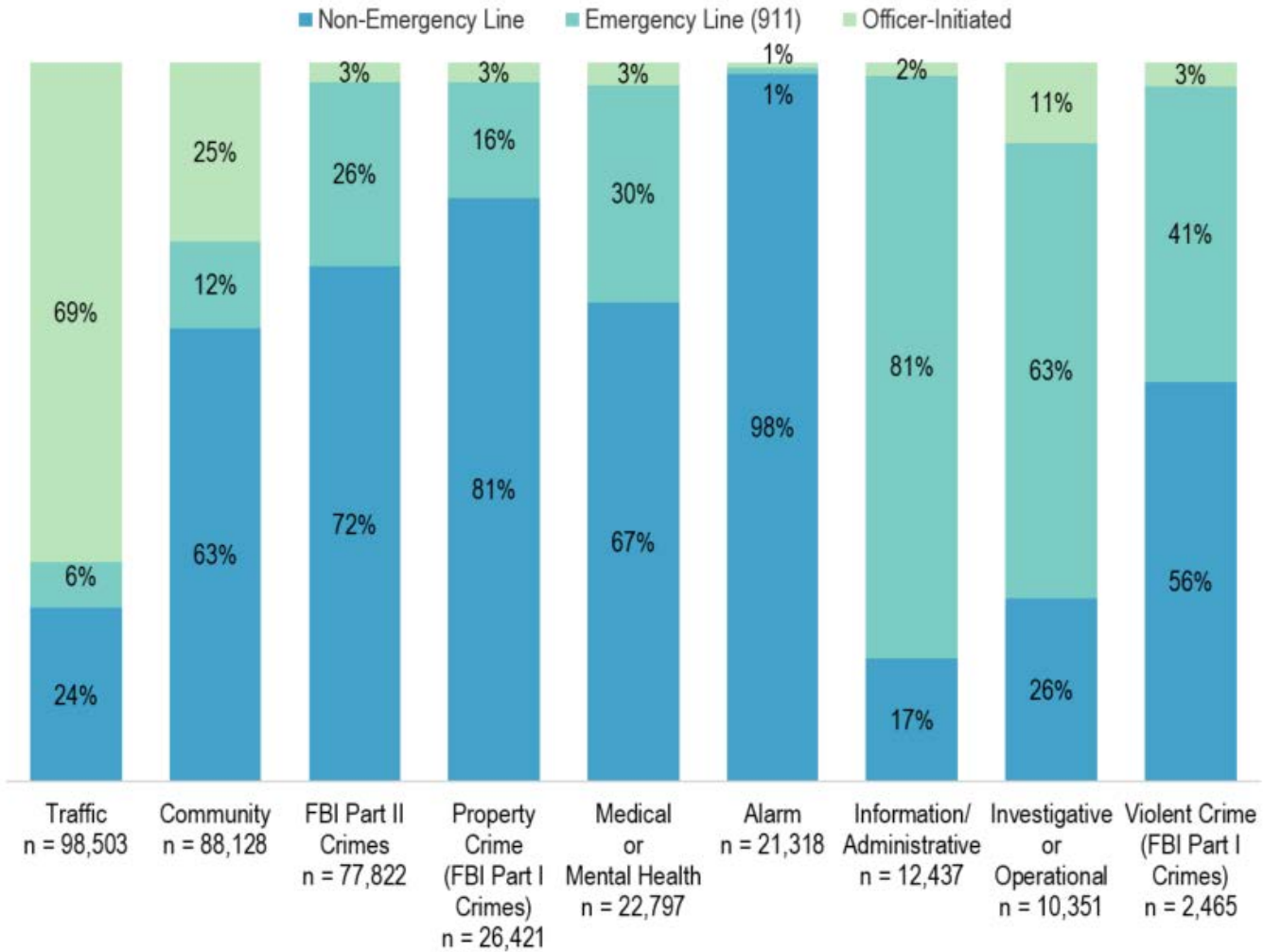


Note: "Other" includes: some alarm calls, some cell phones, California Highway Patrol, Counter, OnLine, and Voice Over Internet Protocol (VoIP). Officer-initiated includes On View and traffic stops.

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Figure 8 shows the initiation source for each of the call type classifications. The majority of traffic stops are officer-initiated. The Traffic classification includes call types in addition to stops, such as parking violations and traffic hazards.

Figure 8. Initiation Source of Events by City Auditor Classifications, 2015-2019 (n = 360,242 events)

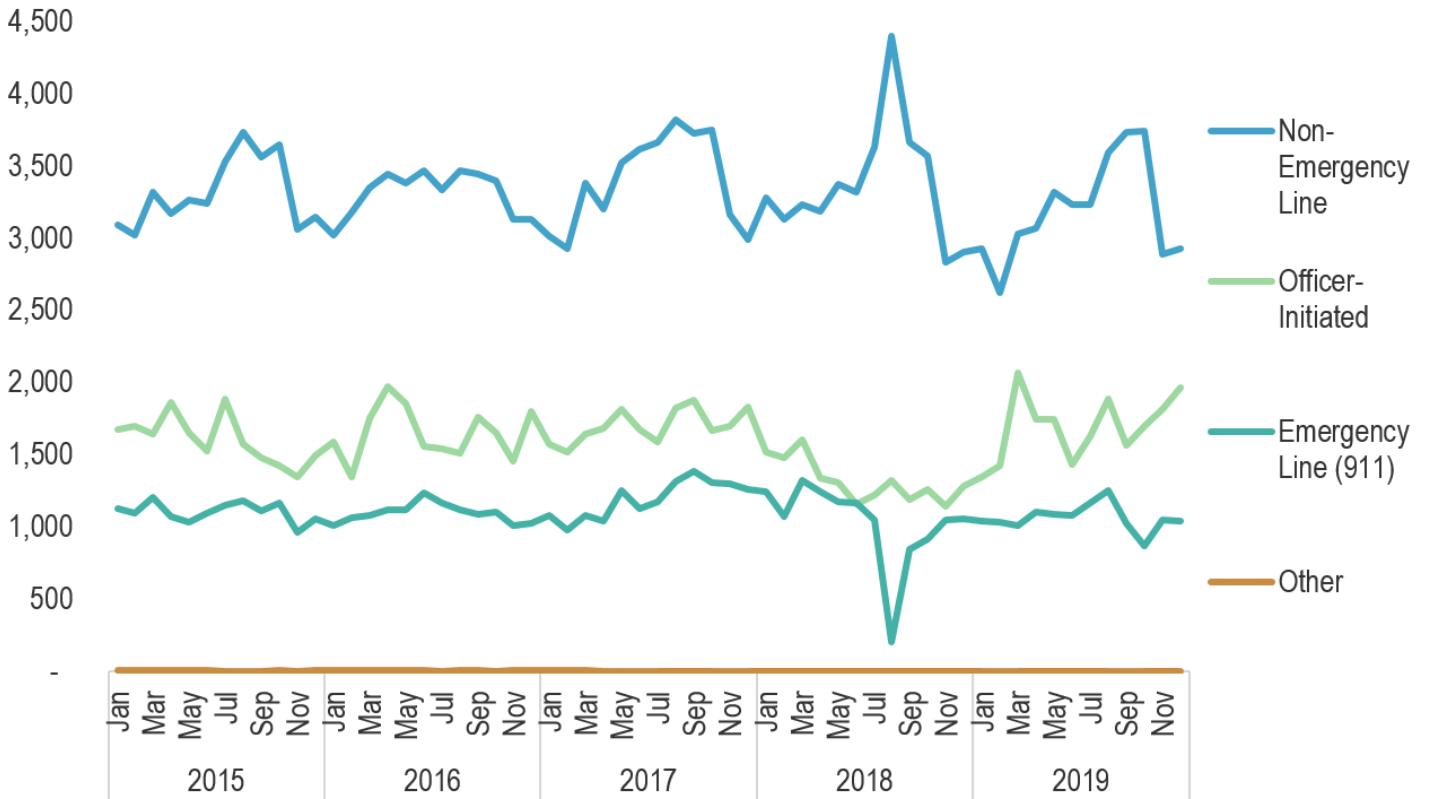


Note: Less than 1 percent of calls also come from an “other” source which includes: some alarm calls, some cell calls, California Highway Patrol, Counter, OnLine, Voice Over Internet Protocol (VoIP), and Other. Officer-initiated includes On View and Traffic stops.

Source: Auditor’s analysis of Berkeley Police Department Computer Aided Dispatch data

Figure 9 shows the initiation source for calls over a five year period. It reflects the consistent trend that the non-emergency line is by far the top initiation source, followed by officer-initiated, emergency line, and other.

Figure 9. Initiation Source of Events by Month, 2015-2019 (n = 360,242 events)

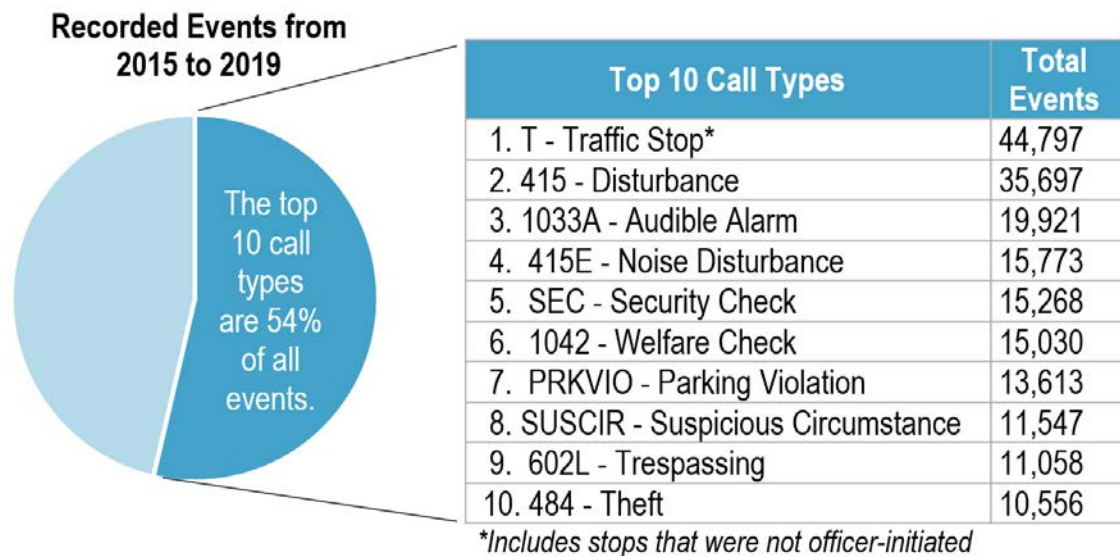


Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

## Assigned Call Types

Figure 10 shows the ten most common call types, which describe about 54 percent of all events. This table includes data for both events initiated by calls to the Communications Center and officer-initiated events.

Figure 10. Top 10 Most Common Call Types of Events, 2015-2019 (n = 193,260 out of 360,242 events)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Table 2 breaks out the top calls by initiation source.

Table 2. Top 10 Call Types of Events for Officer-Initiated and Phone Lines, 2015-2019

| Total Emergency and Non-Emergency Events |        | Total Officer-Initiated Events |        |
|------------------------------------------|--------|--------------------------------|--------|
| 1. 415 - Disturbance                     | 35,145 | 1. T - Traffic Stop            | 44,767 |
| 2. 1033A - Audible Alarm                 | 19,812 | 2. SEC - Security Check        | 14,933 |
| 3. 415E - Noise Disturbance              | 15,699 | 3. 1194 - Pedestrian Stop      | 9,135  |
| 4. 1042 - Welfare Check                  | 14,560 | 4. FLAD - Officer flagged down | 5,183  |
| 5. SUSCIR - Suspicious Circumstance      | 11,380 | 5. PRKVIO - Parking Violation  | 4,710  |
| 6. 602L - Trespassing                    | 10,926 | 6. 1196 - Suspicious Vehicle   | 4,347  |
| 7. 484 - Theft                           | 10,277 | 7. 1194B - Bike Stop           | 2,782  |
| 8. W911 - Wireless 911                   | 9,898  | 8. 1124 - Abandoned Vehicle    | 1,007  |
| 9. PRKVIO - Parking Violation            | 8,902  | 9. AID - Aid to Citizen        | 550    |
| 10. ADVICE - Advice                      | 8,383  | 10. FOUND - Found Property     | 531    |

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data



## Priority Levels

Dispatchers are responsible for collecting adequate information in order to determine the appropriate response action based on the nature and priority of the event, and the available resources. Dispatchers assign all events a priority level which aligns with guidelines for how soon the Communications Center should dispatch police personnel to the event based on the urgency or severity of the circumstances. For an event with a priority level of one, dispatchers are expected to dispatch officers within one minute, whereas they have up to 90 minutes from the time of the initial call to dispatch an officer to a priority level four event.

According to BPD, priority levels are one of several factors that inform the number of personnel that are dispatched to an event. Other factors include call types, officer's proximity to the event, and officer's discretion. BPD authorities stated that dispatchers have the authority to dispatch officers to events, but they do not play a role in reducing or diverting officers from responding to an event.

Priority levels range in urgency from Priority 1 as the most urgent to Priority 9 as the least. Priority 0 is used when officers initiate a stop and they are already on scene. Priority levels 4 through 9 each have the same time frame of 90 minutes, but the additional levels allow dispatchers to prioritize resources among lower level calls. Table 3 lists all the priority levels and corresponding dispatch times.

Table 3. Priority Level Guidelines for Time Between Initial Call and Dispatching Units<sup>7</sup>

| Priority Level | Time              |
|----------------|-------------------|
| 0              | 0 Minutes         |
| 1, 1F          | Immediately       |
| 2              | Within 20 minutes |
| 3              | Within 60 minutes |
| 4              | Within 90 minutes |
| 5              | Within 90 minutes |
| 6              | Within 90 minutes |
| 9              | Within 90 minutes |

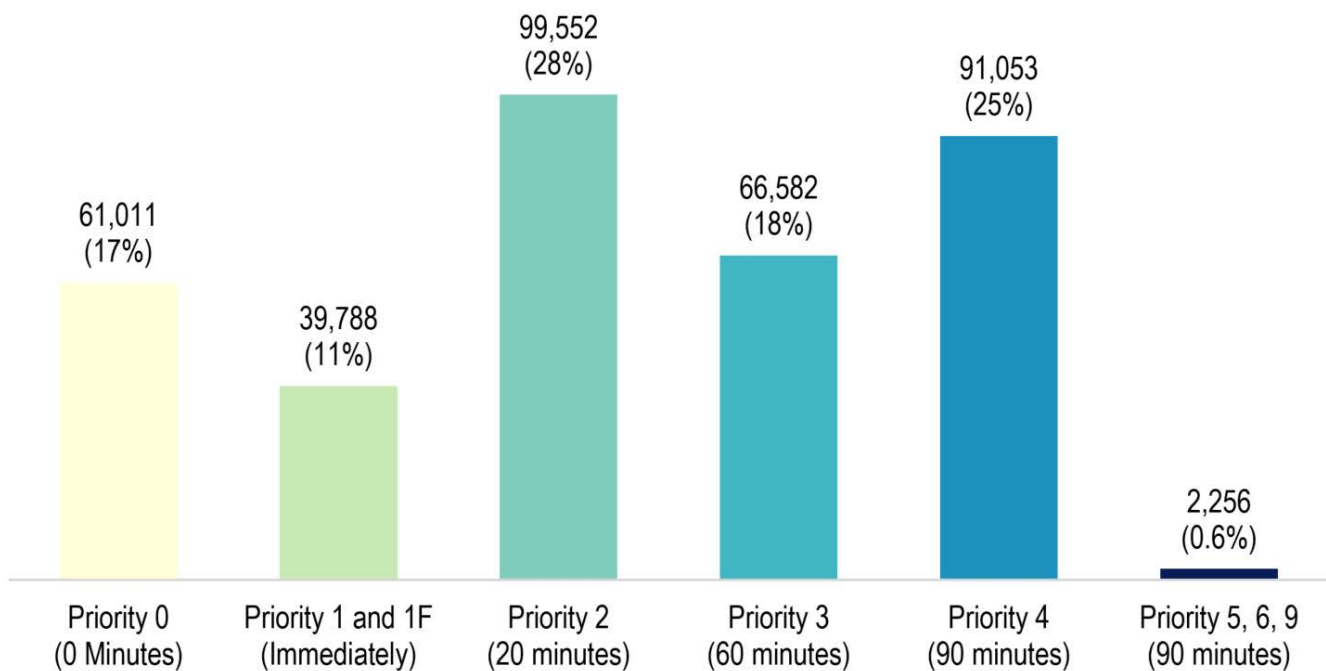
Source: Berkeley Police Department

<sup>7</sup>Priority level 1F indicates an event with a fire and that Berkeley Fire Department personnel were dispatched as well.

Priority level recommendations are coded into the CAD system based on call types, but a dispatcher can change the priority if there is reason to based on the information they have. For example, a dispatcher may assign a family disturbance event as a priority level 1 or 2 depending on the circumstances and their professional judgement. Additionally, dispatchers' assessment of priorities can diverge from the guidelines due to additional information gathered about the event. For instance, in their list of call types and priority codes, BPD lists disturbance with a typical assignment of priority one or priority four. Nevertheless, disturbance is listed in the CAD data with call types ranging from 0, F1, 1, 2, to 3. Appendix B provides a list of priorities for each call type as they appear in the data.

Figure 11 breaks down events by the assigned priority level.

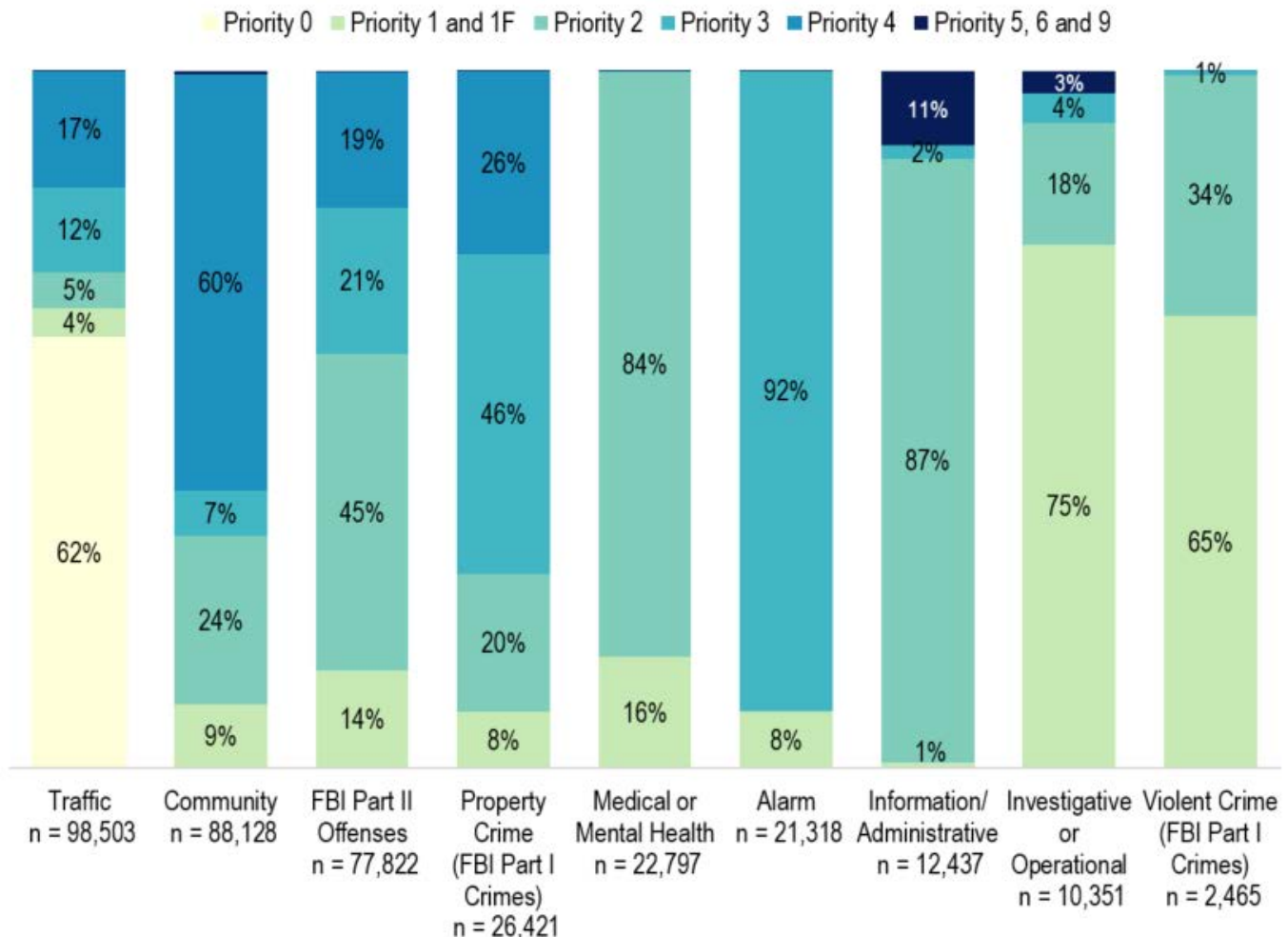
Figure 11. Events by Priority Level, 2015-2019 (n = 360,242 events)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Figure 12 shows a breakdown of events by classification and priority level.

Figure 12. Events by Auditor Classifications and Priority Level, 2015-2019 (n = 360,242 events)



Note: Priorities that rounded to 0% of each category (0.4% or less) were excluded from the chart for readability.

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

## Events that Result in an Arrest

Table 4 shows the top ten call types and how many arrests were made for each of those call types from 2015 to 2019, but does not include all arrests BPD made during this time. CAD data only records arrests made during the event, but arrests can take place after dispatchers close the event. An event like a robbery, for example, could result in no arrest during the event, but lead to an arrest several days later. That arrest would be recorded in the Law Enforcement Records Management System, but is not included in the CAD data we received.

Table 4. Top 10 Call Types of Events and Arrest Outcomes, 2015-2019

| Call Types                          | Arrests | Total Events | Arrests (% of Total) |
|-------------------------------------|---------|--------------|----------------------|
| 1. T - Traffic Stop                 | 1,259   | 44,797       | 2.8%                 |
| 2. 415 - Disturbance                | 529     | 35,697       | 1.5%                 |
| 3. 1033A - Audible Alarm            | 2,581   | 19,921       | 13.0%                |
| 4. 415E - Noise Disturbance         | 12      | 15,773       | 0.1%                 |
| 5. SEC - Security Check             | 212     | 15,268       | 1.4%                 |
| 6. 1042 - Welfare Check             | 122     | 15,030       | 0.8%                 |
| 7. PRKVIO - Parking Violation       | 5       | 13,613       | 0.0%                 |
| 8. SUSCIR - Suspicious Circumstance | 157     | 11,547       | 1.4%                 |
| 9. 602L - Trespassing               | 123     | 11,058       | 1.1%                 |
| 10. 484 - Theft                     | 101     | 10,556       | 1.0%                 |

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

## Events that Result in a UCR Part I Report: Violent and Property Crimes

In this section, we present data on events that result in a report of certain violent or property crimes.

BPD officers are required to file a report when events involve certain violent and property crimes. BPD tracks a set of crimes, known as Part I crimes, through the Uniform Crime Reporting (UCR) Program, which is separate from the CAD system. The Federal Bureau of Investigation developed the UCR Program to standardize how law enforcement agencies categorize and count crimes, and report crime statistics. BPD analyzes the relevant crime data and provides statistical reports to the California Department of Justice to be included in state and national crime data.

We received data on some events that resulted in a Part I crime report. UCR orders Part I crimes from most severe to least severe, with criminal homicide being the highest in the hierarchy and arson being the lowest. Part I UCR crimes are listed below:

1. Criminal Homicide
2. Forcible Rape
3. Robbery
4. Aggravated Assault
5. Burglary
6. Larceny-theft (except motor vehicle theft)
7. Motor Vehicle Theft
8. Arson

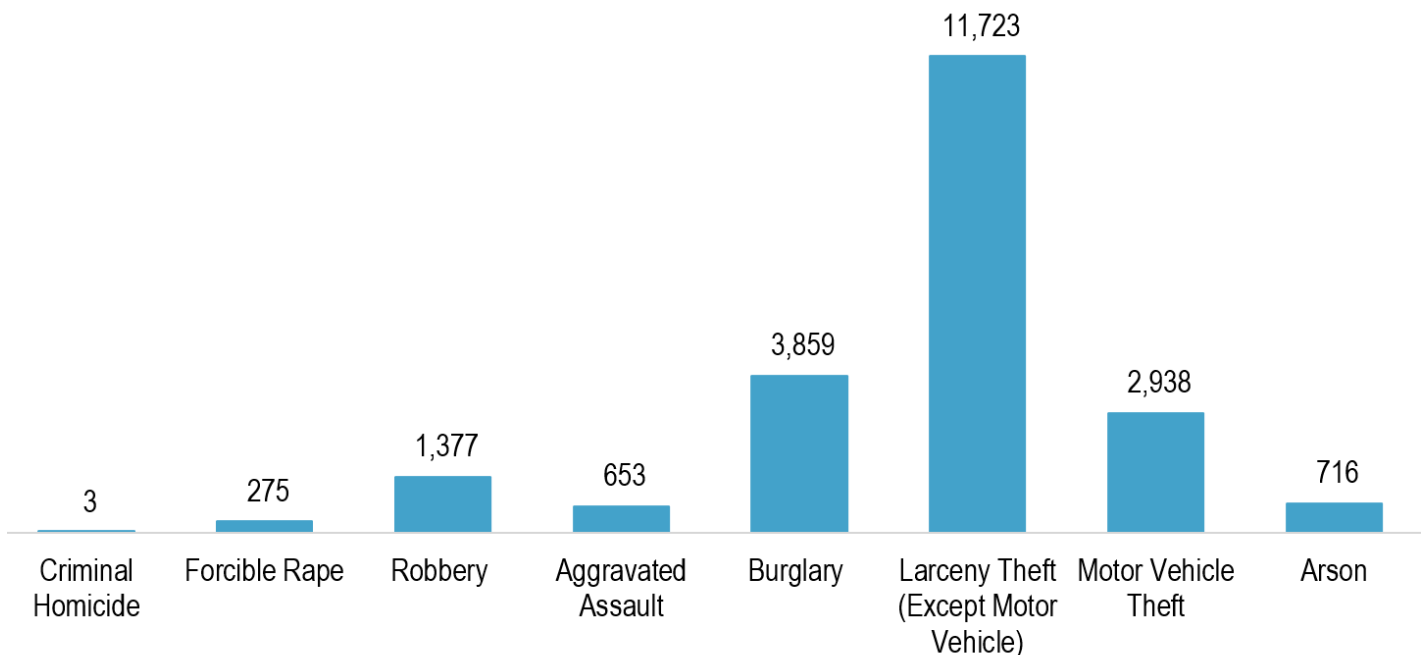
Additionally, there were 26 events that resulted in the reporting of hate crimes between 2015 and 2019. UCR standards require participating law enforcement agencies to report hate crimes as separate from and additional to the crimes listed above. According to the UCR handbook, hate crimes are not distinct crimes, but are traditional crimes motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual orientation, or ethnic or national origin group. Consequently, BPD collects hate crime data by capturing additional information about crimes they already report to the UCR program.

The CAD data does not include all the Part I UCR crime reports BPD filed because not all instances of these crimes took place during an event or involved dispatching police personnel. Further, an event classified as a Part I crime in CAD does not necessarily mean that a crime was ultimately charged or committed.

Altogether, from 2015 to 2019, a total of six percent of events in CAD with a police response resulted in a Part I UCR crime report. As of this writing, we do not have detailed information on Part II crime reports as this information was not available to us.

Figure 13 shows the number of events in CAD that resulted in a Part I UCR crime report from 2015 to 2019.

Figure 13. CAD Events with a Part I Crime Report, 2015-2019 (n = 21,544 out of 360,242 events)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Table 5 shows how the Part I UCR crime reports from 2015 to 2019 are classified for the purposes of this report.

Table 5. Auditor Classification of Events that Resulted in a UCR Part I Crime Report, 2015-2019 (n = 360,242 events)

| Auditor Classification             | Number of UCR reports Filed | Total Events | UCR Reports Filed as % of Total Events |
|------------------------------------|-----------------------------|--------------|----------------------------------------|
| Property Crime (FBI Part I Crimes) | 16,413                      | 26,421       | 62%                                    |
| Community                          | 1,594                       | 88,128       | 2%                                     |
| FBI Part II Crimes                 | 1,588                       | 77,822       | 2%                                     |
| Violent Crime (FBI Part I Crimes)  | 1,469                       | 2,465        | 60%                                    |
| Alarm                              | 245                         | 21,318       | 1%                                     |
| Traffic                            | 105                         | 98,503       | 0.1%                                   |
| Investigative or Operational       | 82                          | 10,351       | 1%                                     |
| Medical or Mental Health           | 59                          | 22,797       | 0.3%                                   |
| Information/Administrative         | 20                          | 12,437       | 0.2%                                   |

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Table 6 shows how many of the top ten call types in CAD resulted in a Part I UCR crime report, from 2015 to 2019.

Table 6. Top 10 Call Types of Events that Resulted in a UCR Part I Crime Report, 2015-2019

| Call Type                           | Number of UCR reports Filed | Total Events | UCR Reports Filed as % of Total Events |
|-------------------------------------|-----------------------------|--------------|----------------------------------------|
| 1. T - Traffic Stop                 | 11                          | 44,797       | 0.02%                                  |
| 2. 415 - Disturbance                | 211                         | 35,697       | 0.6%                                   |
| 3. 1033A - Audible Alarm            | 227                         | 19,921       | 1.1%                                   |
| 4. 415E - Noise Disturbance         | 4                           | 15,773       | 0.03%                                  |
| 5. SEC - Security Check             | 33                          | 15,268       | 0.2%                                   |
| 6. 1042 - Welfare Check             | 40                          | 15,030       | 0.3%                                   |
| 7. PRKVIO - Parking Violation       | 1                           | 13,613       | 0.01%                                  |
| 8. SUSCIR - Suspicious Circumstance | 751                         | 11,547       | 6.5%                                   |
| 9. 602L - Trespassing               | 21                          | 11,058       | 0.2%                                   |
| 10. 484 - Theft                     | 5,241                       | 10,556       | 49.6%                                  |

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

## IV. Characteristics of Officer-Initiated Stops

### *Analysis of 56,070 officer-initiated stops from 2015 to 2019*

In this section, we provide an overview of the data we obtained on officer-initiated stops including the types of stops police make, stop trends over time, and stops that result in enforcement or searches. We also breakdown some of this information by race and age. In the context of this report, the number of officer-initiated stops refers to the number of individuals detained by BPD. This means that there could be more than one individual stopped per CAD event. For example, if an officer initiates a vehicle stop and detains two individuals, this is counted as one event with two stops.

We review the following components related to stops:

1. Officer-initiated stops by stop type
2. Time of day when stops occur
3. Dispositions, including:
  - a. Stops by race and age
  - b. Enforcement outcomes
  - c. Searches

State law authorizes Berkeley police officers to enforce state and local traffic laws to promote public safety. Officers enforce traffic laws by stopping drivers who may be violating traffic laws. Pedestrians and cyclists may also be stopped. Officers are required to record the results of all stops. In this report, we refer to these events as officer-initiated suspicious vehicle stops, vehicle stops, pedestrian stops, or bicycle stops.<sup>8</sup> All Berkeley police officers, whether assigned to the Traffic Bureau or not, are directed to participate in traffic enforcement and to be on the lookout for speeding, pedestrian safety concerns, and drivers under the influence.

Our stop analysis is the most recent effort to analyze police stop data in the City of Berkeley, but another organization also examined police stop data.<sup>9</sup> In 2015, BPD contracted with the Center for Policing Equity (CPE) to conduct an analysis of Berkeley's police stop data. Their analysis covered an observation period of 2012 through 2016.

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<sup>8</sup> According to BPD, vehicle stops are different from suspicious vehicle stops. Vehicle stops can include stops for traffic violation enforcement or investigation of suspected criminal activity, and are initiated by officers. A suspicious vehicle stop is similar, but is typically dispatched by the Communications Center in response to a call for service.

<sup>9</sup> According to its website, the Center for Policing Equity is a nonprofit organization that "produces analyses identifying and reducing the causes of racial disparities in public safety and advocates for large-scale and meaningful change."

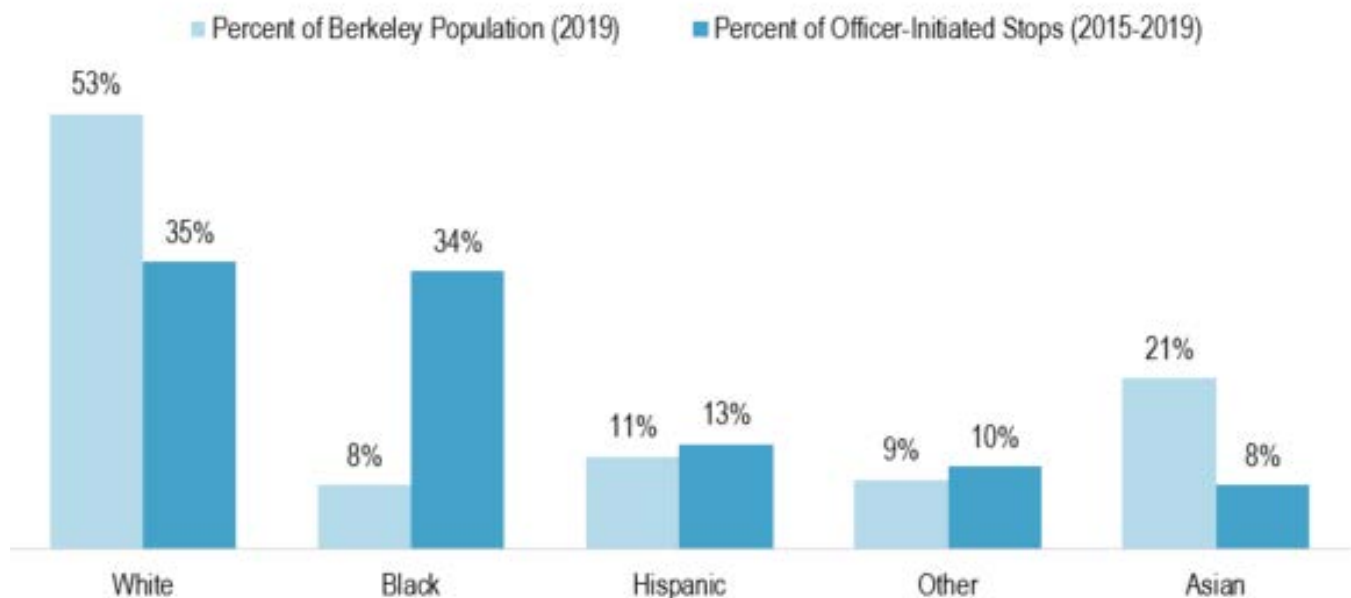
All of the charts in this section reflect officer-initiated stops for a total of 56,070 individuals from 2015 to 2019. A significant portion of information about stops draws from disposition reports submitted by officers and other traffic enforcement units. These disposition reports summarize information including race, sex, and age of the individuals involved in the event, the reason for the stop, the enforcement action, and whether or not BPD conducted a search. As such, this section does not include information for 4,961 stops that did not have accompanying disposition data. We did not determine the methods BPD typically uses to determine individuals' race, sex, or age as that was outside the scope of our audit.

While the time period we analyzed overlaps and extends beyond the time period examined by CPE, our analysis uncovered a number of the same general patterns in stops, searches, and dispositions.

We found that the majority, 78 percent, of officer-initiated stops were vehicle stops, and most of them occurred between 9:00pm and 12:00am. The majority of vehicle stops did not lead to a search, and most stops led to a warning.

With regard to race, our data mirrored data by CPE in that BPD stopped Black and Hispanic individuals at higher rates than their representation in the population, Black individuals significantly so. BPD stopped White and Asian individuals at lower rates. We did not conduct an analysis regarding how this data should be interpreted, but simply note that these patterns are consistent with what CPE found in the data they examined.

Figure 14. Race and Officer-Initiated Stops



Note: For the purposes of this figure for Berkeley populations, the U.S. Census categories of American Indian and Alaska Native alone, Native Hawaiian and Other Pacific Islander alone, and Two or More Races are summed for Other; White is White alone, not Hispanic or Latino.

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data and 2019 US Census data

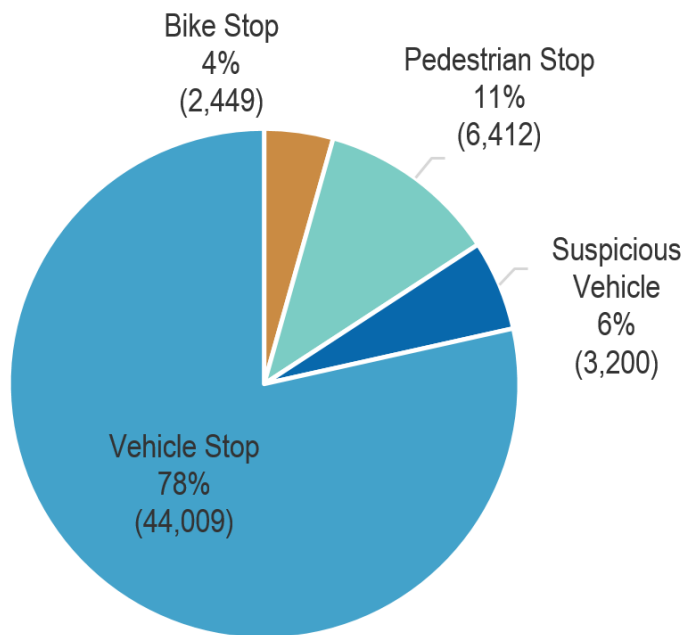


Further, like CPE, we found that Black and Hispanic individuals are more likely to be searched after being stopped, yet searches of these groups are less likely to result in an arrest than searches of White and Asian individuals. However, we did not do a full comparative analysis between the data set that is the subject of this report and the data reviewed by CPE because it was outside the scope of this overview report. More data on stops and searches are included in the following sections and in Appendix C and D.

## Overall Stops

Figure 15 shows the percentage of different types of officer-initiated stops from 2015 to 2019.<sup>10</sup>

Figure 15. Officer-Initiated Stops by Type of Stop, 2015-2019 (n = 56,070 individuals stopped)



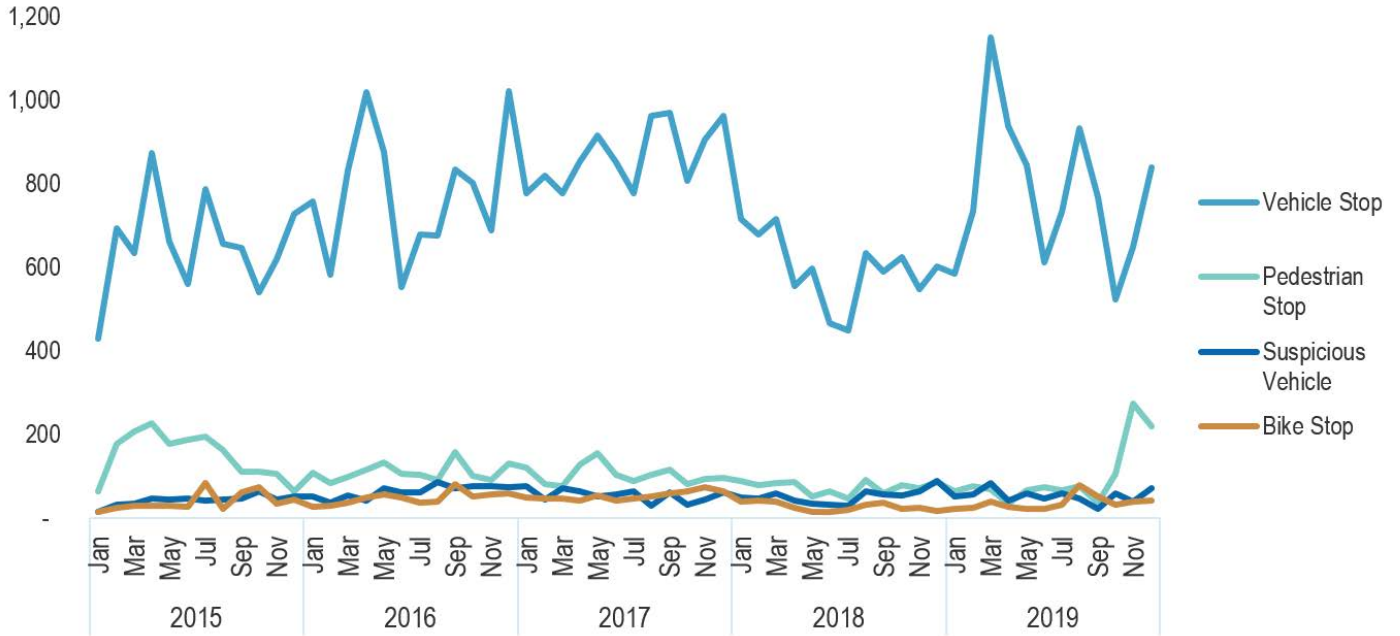
Note: Figures 14 to 29 do not include information for 4,961 stops that did not have accompanying disposition data.

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

<sup>10</sup> According to BPD, vehicle stops are different from suspicious vehicle stops. Vehicle stops can include stops for traffic violation enforcement or investigation of suspected criminal activity, and are initiated by officers. A suspicious vehicle stop is similar, but is typically dispatched by the Communications Center in response to a call for service.

Figure 16 shows the number of any type of officer-initiated stop from 2015 to 2019. Because officers initiate stops, the number of stops they make depends largely on their availability. If an officer is busy responding to a high number of community-initiated calls, they are less likely to proactively initiate stops.

Figure 16. Officer-Initiated Stops by Month, 2015-2019 (n = 56,070 individuals stopped)

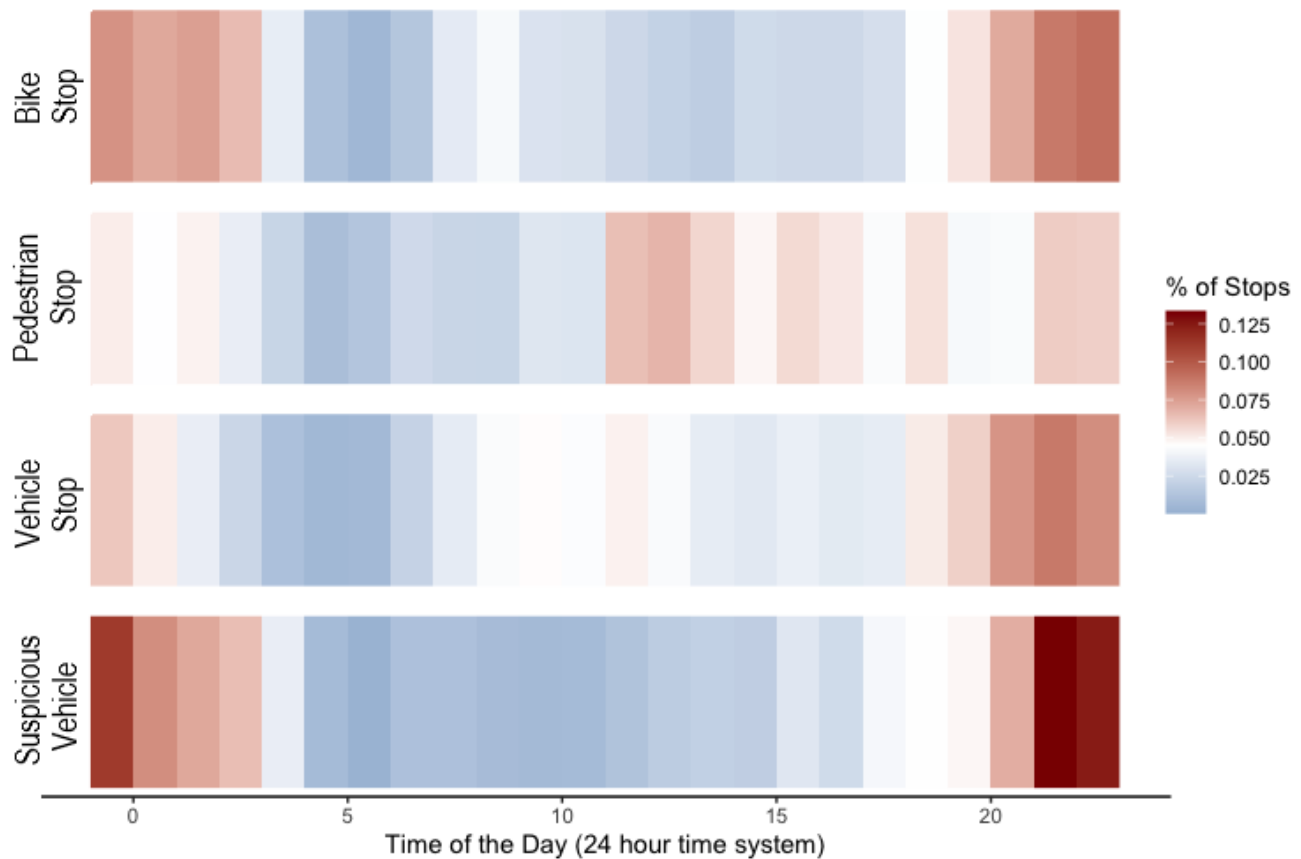


Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

## Stops by Time of Day

Figure 17 is a heat map that adds up all of the events from 2015 to 2019, based on the time in which an officer initiated a stop. The chart is organized by the time of day on the bottom (x axis) and the type of stop conducted on the left (y axis). The colors in each row represent the number of stops as a percentage of all stops for each category. The blue color reflects fewer events, while a deeper red reflects more events.

Figure 17. Officer-Initiated Stops by Time of Day as a Percentage of Each Stop Type, 2015-2019 (n = 56,070 individuals stopped)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

## Stop Dispositions

BPD tracks information about stop dispositions. This information includes the officer reported race, sex, and age of the individuals involved in the event, the reason for the stop, the enforcement action, and whether or not BPD conducted a search. BPD's General Order B-4 required officers to provide stop disposition data after making any stop during the audit period of 2015 to 2019.

In 2015, the California legislature passed the Racial and Identity Profiling Act (RIPA) which supersedes General Order B-4. The goal of RIPA is to have more robust and reliable data to understand the demographics of those stopped by the police in California. RIPA requires law enforcement agencies to collect additional information about stop dispositions including contraband or evidence recovered during the stop, basis of a search if conducted, actions taken during the stop, and officer years of experience and assignment. While BPD stated that these requirements were mandated to start in 2022, BPD started collecting the data required by RIPA in October 2020. According to BPD and the City's Department of Information Technology, officers do not collect personally identifying information as part of meeting RIPA requirements.

All the stop disposition data presented in this report was reported under the guidelines of General Order B-4 and before BPD implemented RIPA.

### Stops by Race and Age

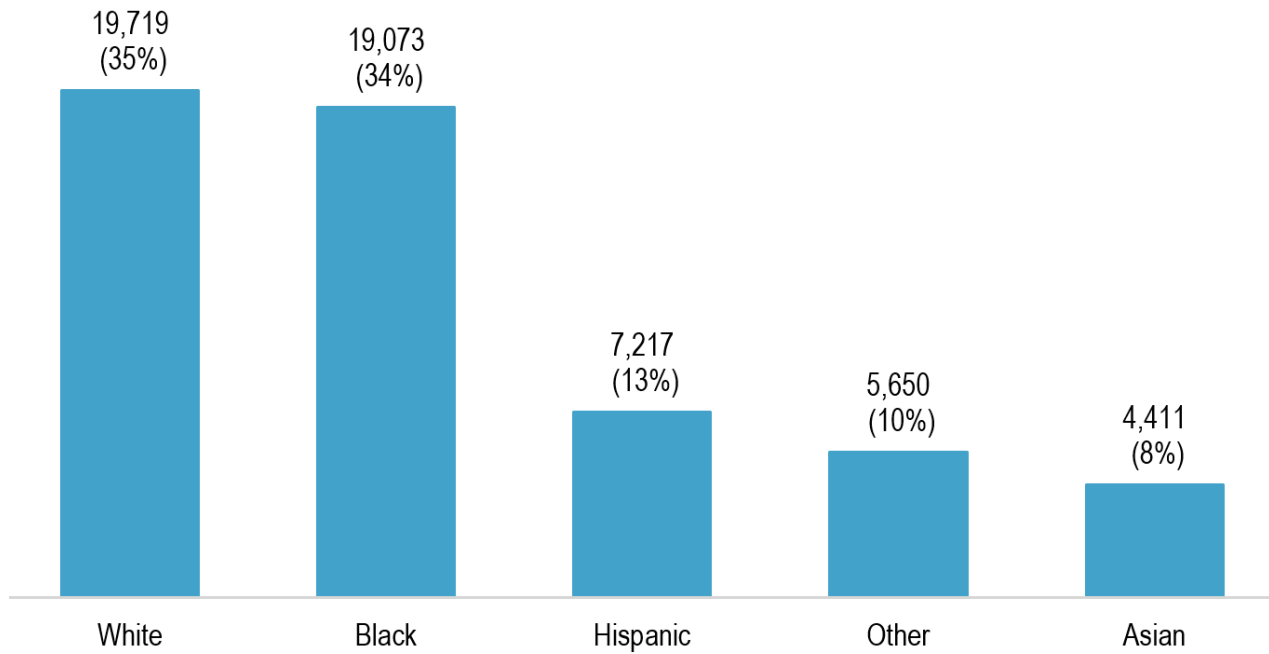
In this section, we present an overview of officer-initiated stops by race and age. BPD records demographic information for people stopped by the police, including their race, sex, and age. Until October 2020, officers used a six-digit disposition code to record information on the race, sex, and age of the person or people involved in stops, as well as the type of stop, the outcome, and if the officer performed a search. In October 2020, the BPD transitioned to collecting stop data in accordance with the RIPA using an app installed on each officer's City-issued smart phone.<sup>11</sup> Officers are now required to collect the same information as the disposition code used previously and additional information on the stop.

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<sup>11</sup> Memo to City Council, October 13, 2020, [https://www.cityofberkeley.info/uploadedFiles/Clerk/Level\\_3\\_-\\_General/RIPA%20data%20101320.pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_General/RIPA%20data%20101320.pdf)

Figure 18 shows the percentage and number of stops by race from 2015 to 2019. BPD uses five groups to document the race of people involved in stops: Asian, Black, Hispanic, White, and Other.

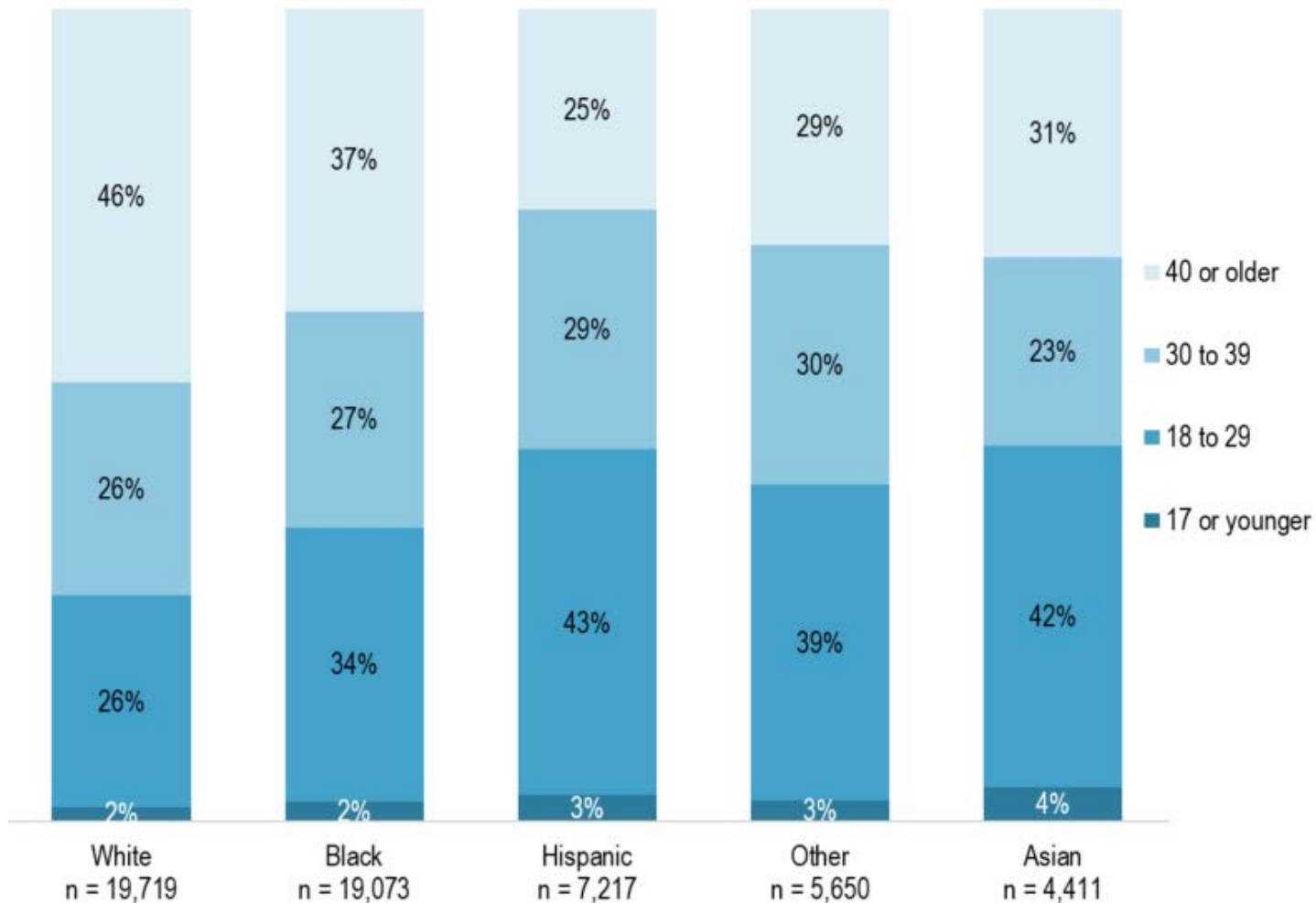
Figure 18. Officer-Initiated Stops by Race, 2015-2019 (n = 56,070 individuals stopped)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Figure 19 shows stops by age and race from 2015 to 2019.

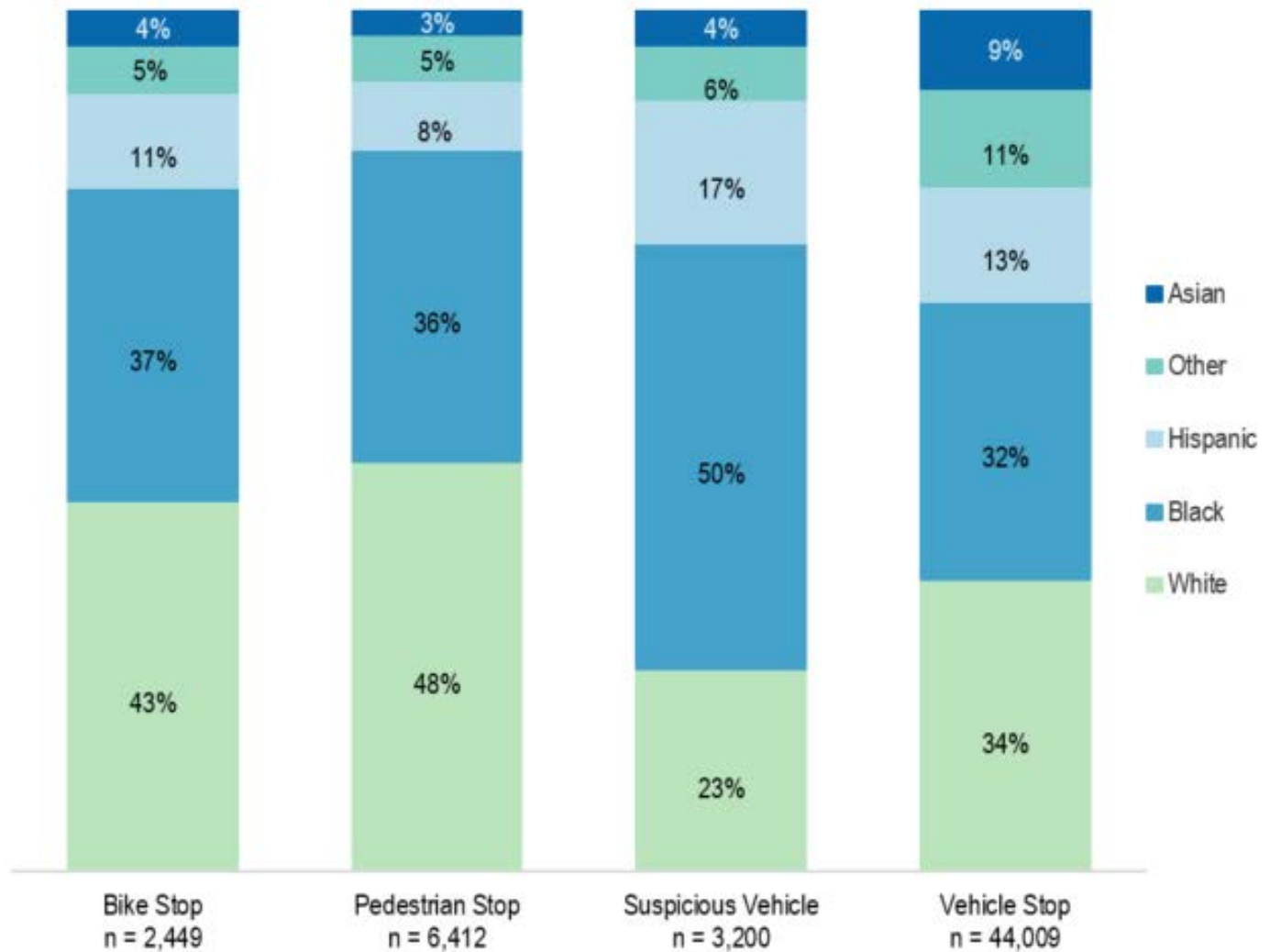
Figure 19. Officer-Initiated Stops by Race and Age, 2015-2019 (n = 56,070 individuals stopped)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Figure 20 shows the distribution by race within each type of stop from 2015 to 2019.

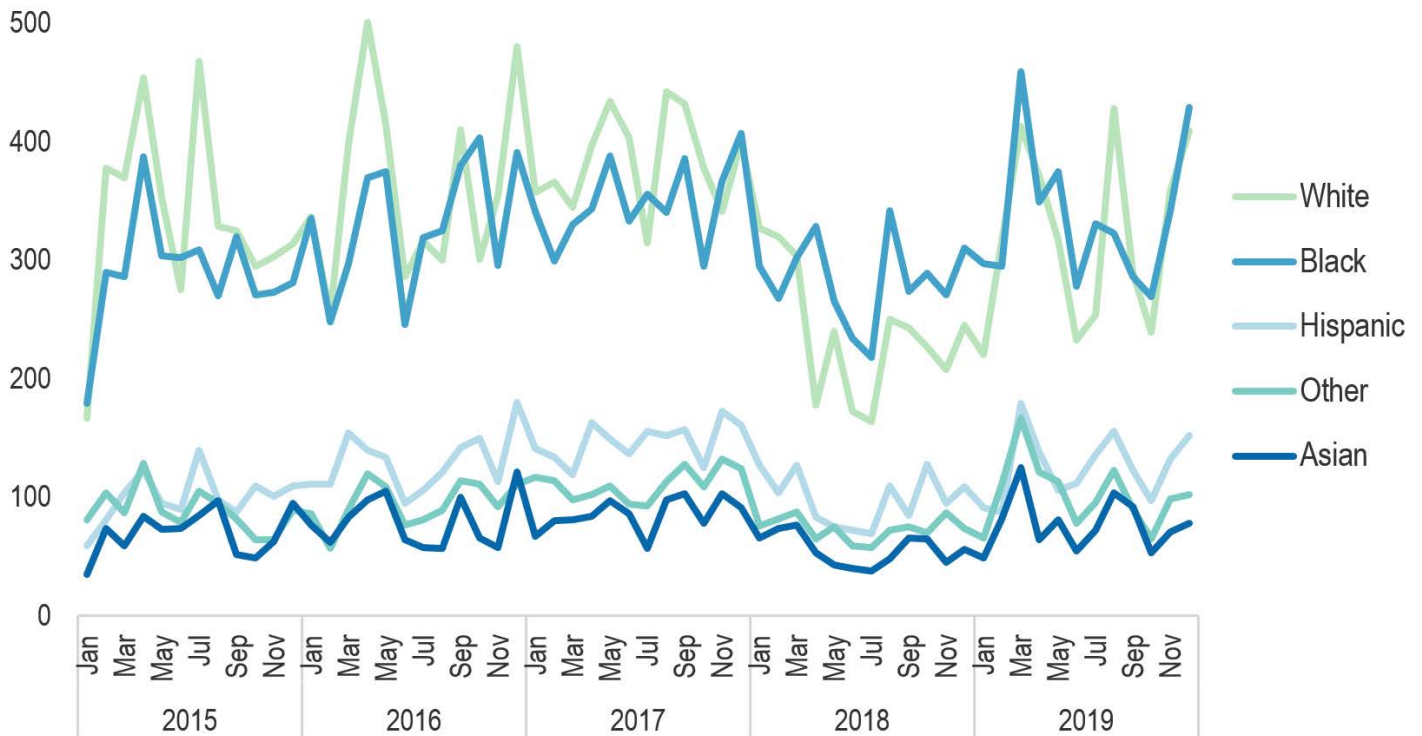
Figure 20. Type of Officer-Initiated Stops by Race, 2015-2019 (n = 56,070 individuals stopped)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Figure 21 shows the monthly distribution for all types of stops by race from 2015 to 2019.

Figure 21. Officer-Initiated Stops by Race and Month, 2015-2019 (n = 56,070 individuals stopped)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

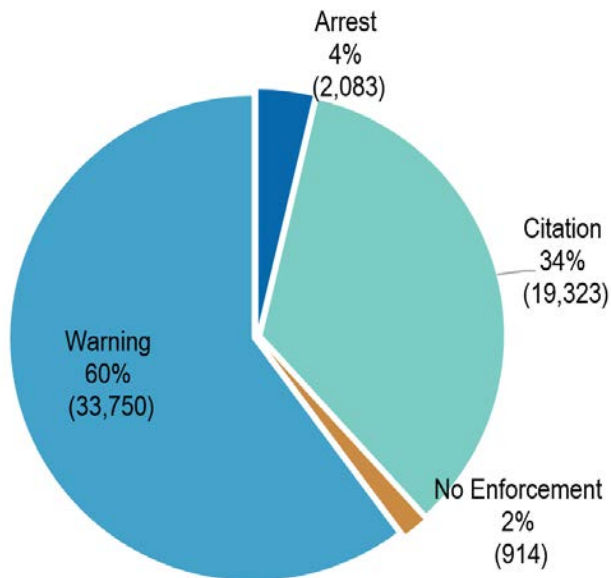
## Enforcement

Officer-initiated stops sometimes result in enforcement outcomes. The four possible enforcement actions are arrest, citation, warning, and no enforcement. BPD's General Order T-03 guides how officers are expected to use enforcement, including when to provide a verbal warning or a citation, in accordance with the California Vehicle Code. The general order directs officers to use their professional judgement in deciding whether to issue a warning instead of a citation. It also directs officers to issue a correctable citation for certain violations such as equipment or registration. Additionally, the general order directs officers to interact with the individuals and observe if there are signs of intoxication, visible guns, open alcohol containers or drugs, or other indicators of a crime.



Figure 22 shows the breakdown of types of enforcement actions of arrest, citation, warning, and no enforcement. It also includes the total number of no enforcement action from the stop.

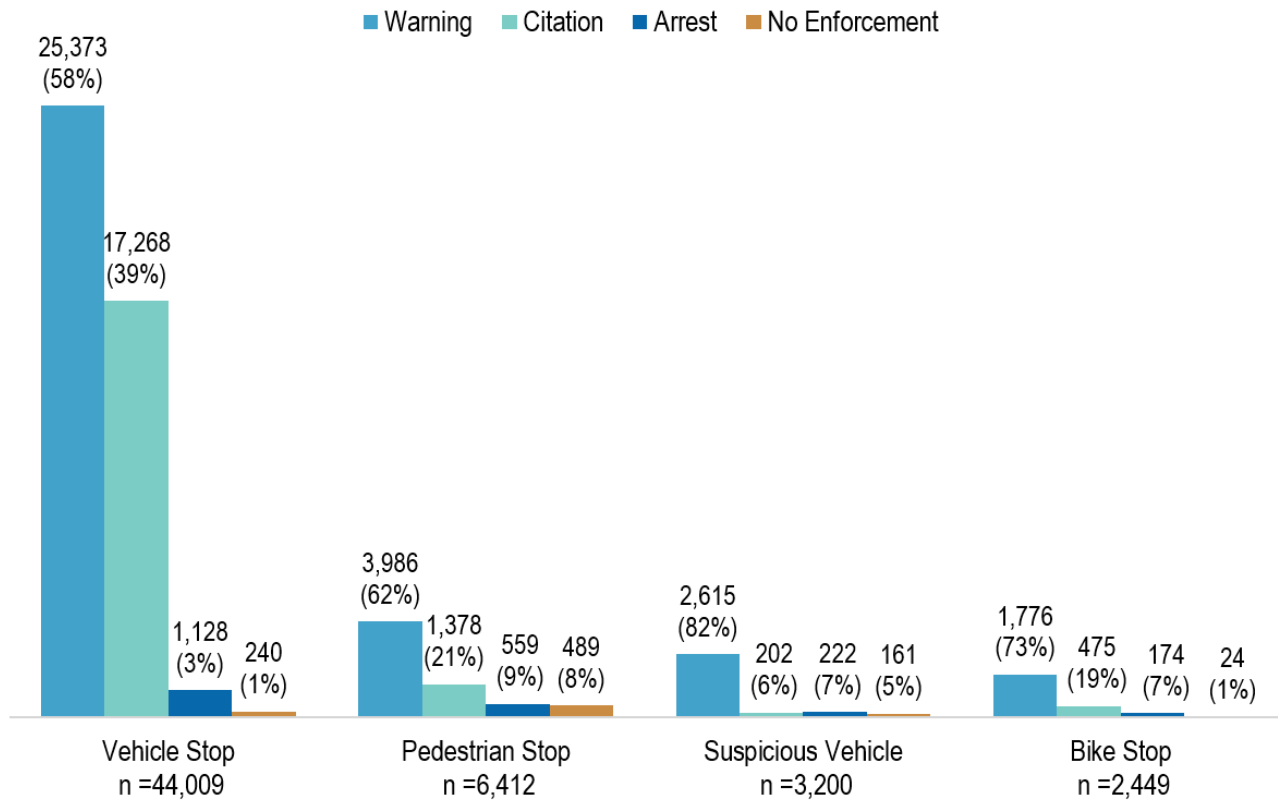
Figure 22. Enforcement Actions of Officer-Initiated Stops, 2015- 2019 (n = 56,070 individuals stopped)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Figure 23 shows the number of enforcement actions, broken down by type of enforcement and stop, from 2015 to 2019.

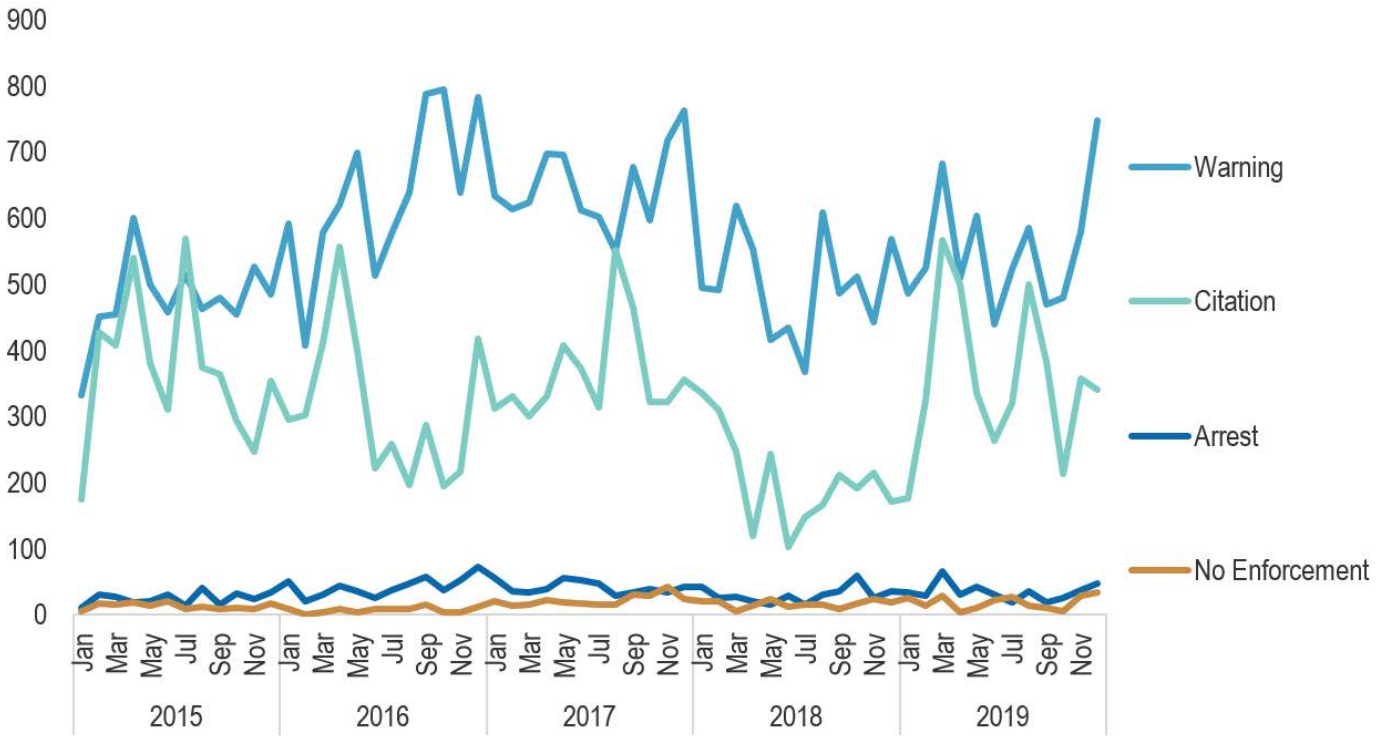
Figure 23. Enforcement Actions of Officer-Initiated Stops by Stop Type, 2015-2019 (n = 56,070 individuals stopped)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Figure 24 shows the number of stops by enforcement action and month from 2015 to 2019.

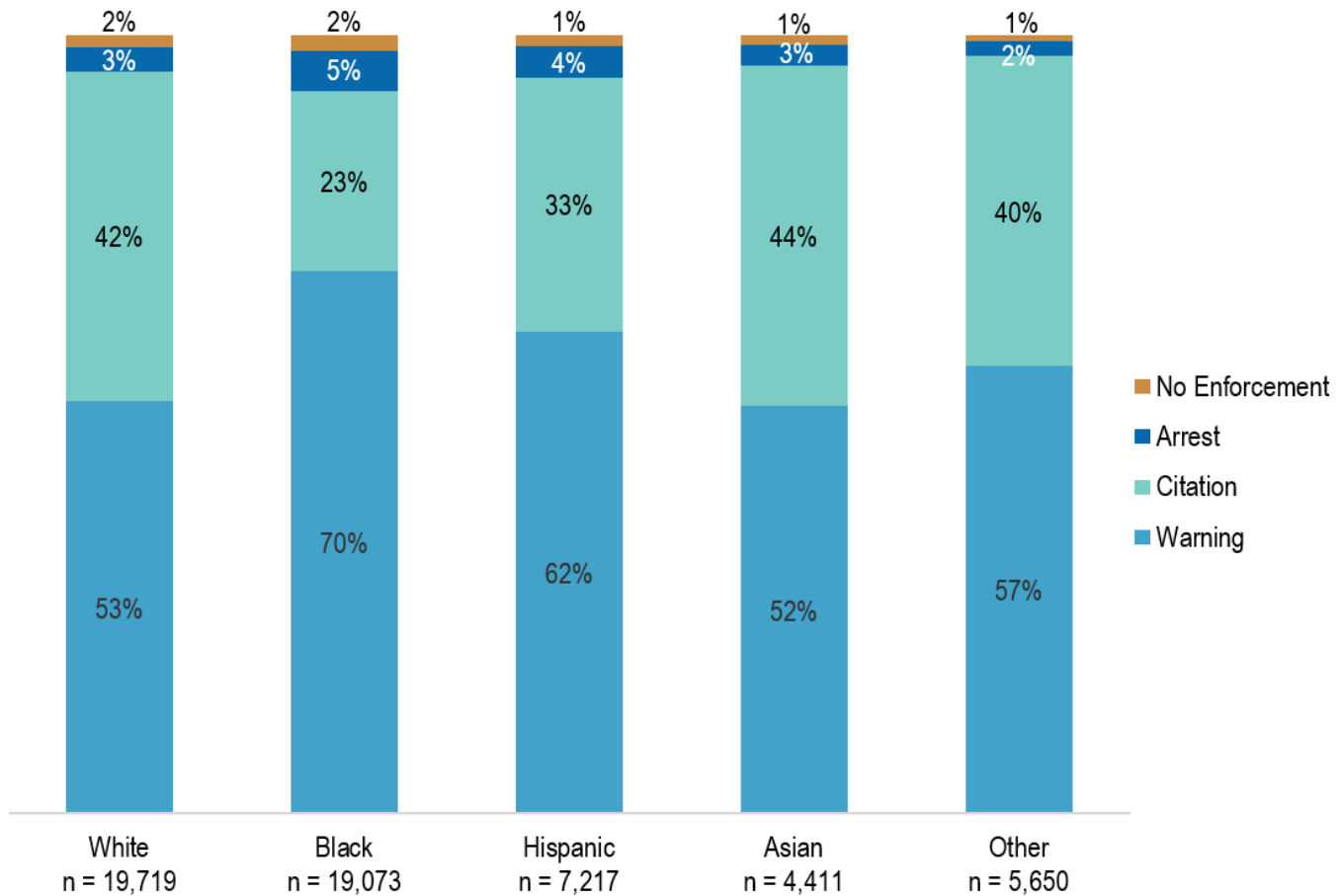
Figure 24. Enforcement Actions of Officer-Initiated Stops by Month, 2015-2019 (n= 56,070 individuals stopped)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Figure 25 shows the stop enforcement actions by race from 2015 to 2019.

Figure 25. Enforcement Actions of Officer-Initiated Stops by Race, 2015-2019 (n = 56,070 individuals stopped)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

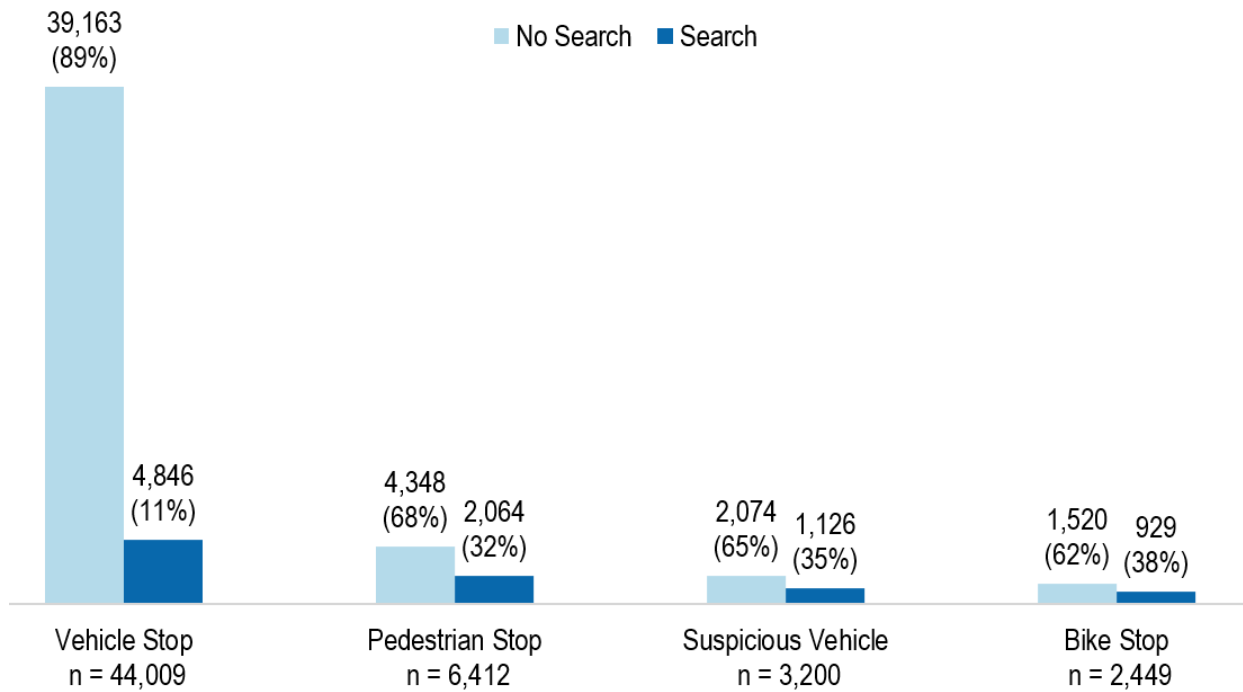
## Searches

The following section provides information on whether BPD conducted a search during vehicle, bike, suspicious vehicle, or pedestrian stops. We break down all types of searches and resulting enforcement actions by race.

The stop disposition data during the 2015 to 2019 audit period did not include information on whether the officer asked for consent to search the person, and if so, whether the individual gave consent. The data also does not indicate the basis for the search, nor the type of contraband or evidence that was recovered, if any.

Figure 26 shows individuals stopped by type and search outcome from 2015 to 2019. Out of 56,070 stops, 8,965 (16 percent) result in a search.

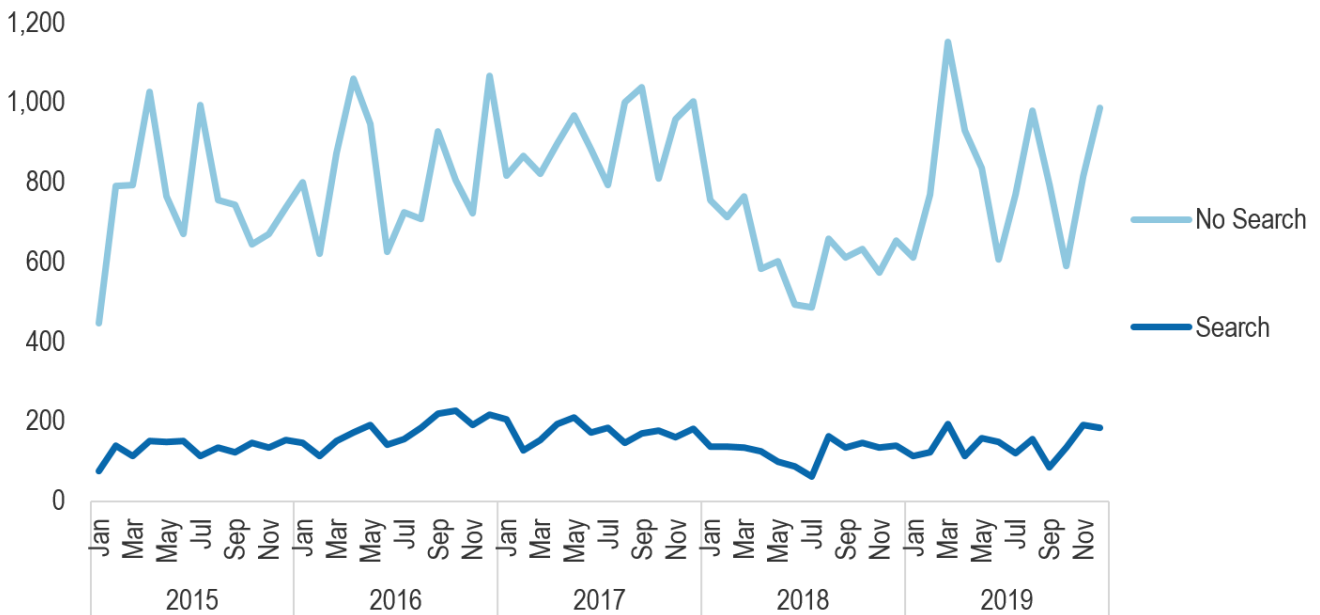
Figure 26. Searches Resulting from Officer-Initiated Stops by Stop Type, 2015-2019 (n = 56,070 individuals stopped)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Figure 27 shows stops by search outcome by month from 2015-2019.

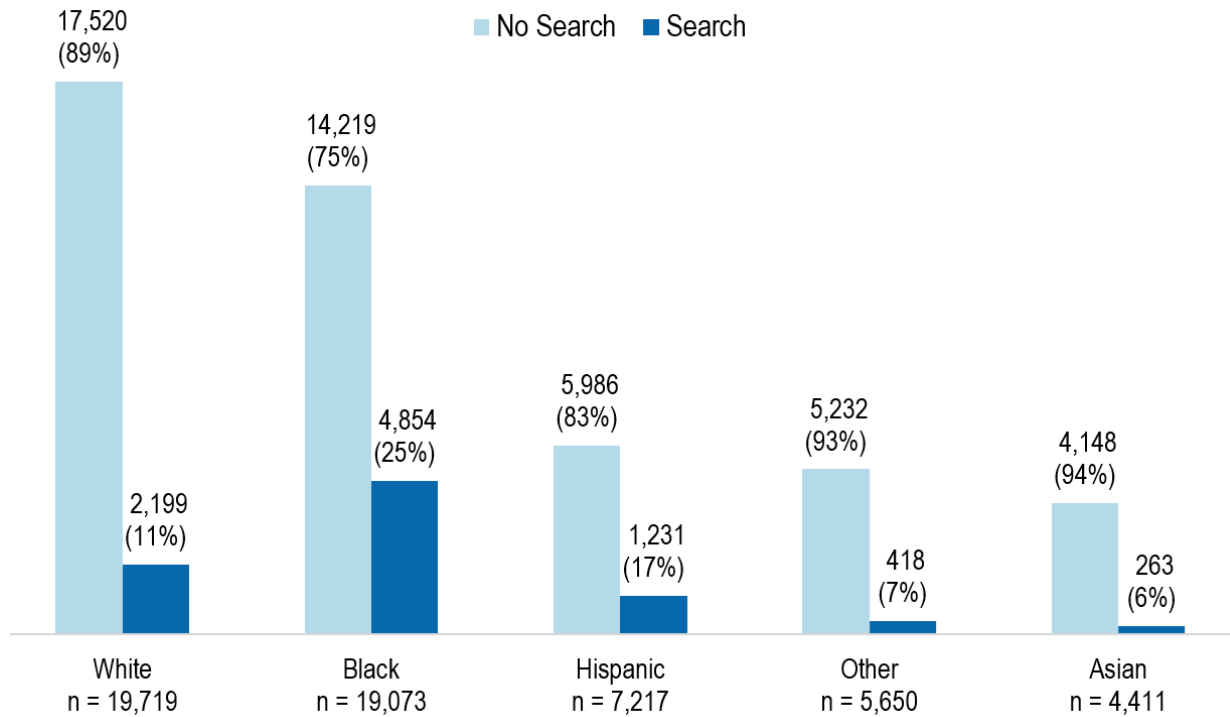
Figure 27. Searches Resulting from Officer-Initiated Stops by Month, 2015-2019 (n = 56,070 individuals stopped)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Figure 28 shows stops by search outcome and race from 2015 to 2019.

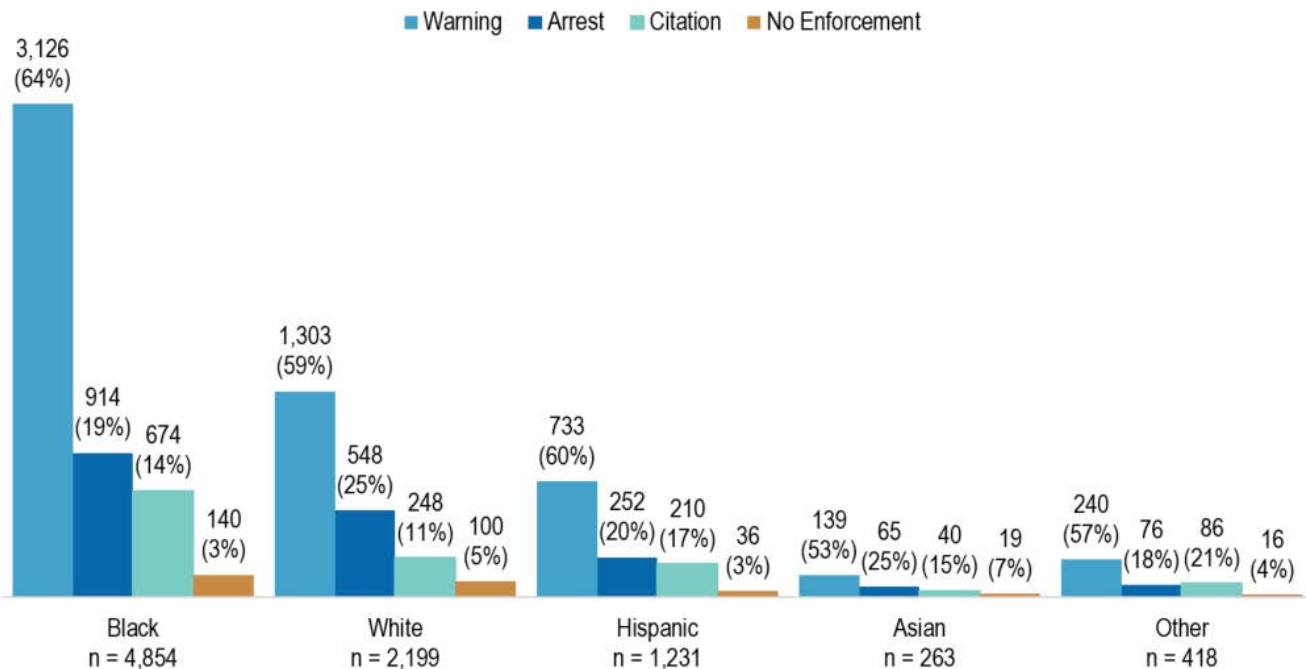
Figure 28. Searches Resulting from Officer-Initiated Stops by Race, 2015-2019 (n = 56,070 individuals stopped)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Figure 29 shows searches and resulting enforcement outcomes by race from 2015 to 2019.

Figure 29. Enforcement Outcomes of Searches Resulting from Officer-Initiated Stops by Race, 2015-2019 (n = 56,070 individuals stopped)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

## V. Characteristics of Police Response

### *Analysis of 646,958 responses from BPD sworn officers and other units*

This section presents an overview of data about personnel that responded to events. Personnel dispatched to respond to events can include non-police personnel in addition to BPD personnel. All events in this CAD analysis include a response by at least one BPD sworn officer, though the Communications Center can also dispatch additional non-police personnel to certain events as needed. BPD Communications Center staff also play an important role in how BPD responds to events.

Patrol officers represented 82 percent, or most of the personnel that responded to events, and personnel from other units accounted for 5 percent of total personnel that responded to events. Parking enforcement officers and bike units accounted for over half of the personnel responses from other units. On average, BPD dispatched 1.8 patrol officers per event. The majority of personnel time, 71 percent, is spent responding to events classified as Community, FBI Part II Crimes, and Traffic. The data, which includes the classification or call type assigned to the event prior to BPD arriving at the event, may not reflect the actual event that takes place.

### Primary BPD Response Personnel

Our analysis primarily reflects work conducted by the Communications Center and patrol teams to respond to events in the Berkeley community, with some information about additional supportive units. We provide a summary of each of these units below.

**Patrol Teams.** The Berkeley Police Department provides patrol services 24 hours a day, seven days a week. These teams of sworn officers are usually the first and primary responders to calls for service. According to BPD's Policy 400, the function of a patrol team is to respond to calls for assistance and reports of criminal activity, act as deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community, and respond to emergencies. Their duties may also include directing traffic, providing mutual aid, and responding to calls for help. The police responses tracked in the CAD data are largely from patrol teams and their supervisors.<sup>12</sup>

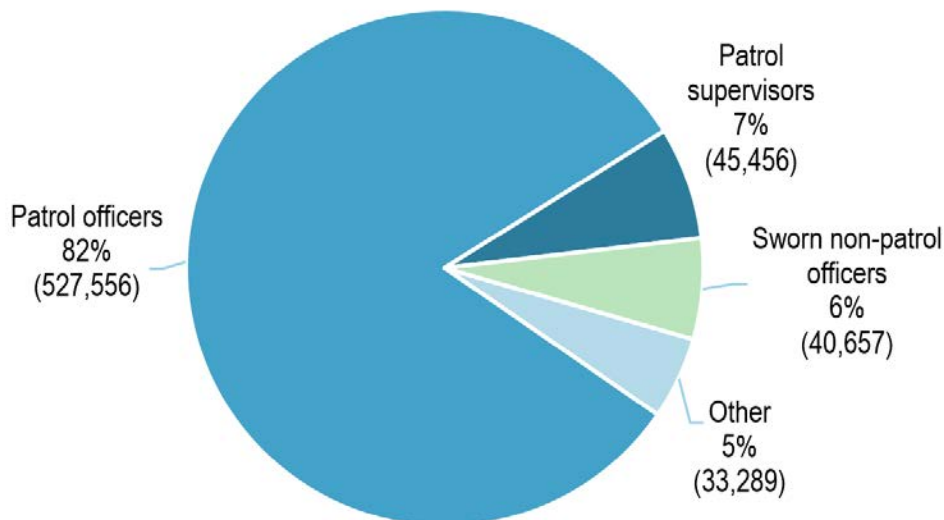
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<sup>12</sup> Patrol teams may include reserve officers who serve in a part-time capacity, and supplement and assist regular sworn police officers in their duties. Reserve officers can be dispatched to similar assignments as full-time patrol officers with the exception of some felonies and more serious offenses and are required to get patrol sergeant approval when making arrests.

**Communications Center.** The Communications Center is part of the Support Services Division of the Berkeley Police Department, overseen by a sworn police captain. The Communications Center serves as Berkeley's 911 public safety answering point, receiving all emergency and non-emergency police, fire, and medical calls in the City, and dispatching public safety personnel to respond as appropriate. The Communications Center is staffed 24 hours a day, 365 days of the year by a team of dispatchers. Dispatchers are highly trained professionals, who gather essential information from callers and dispatch the appropriate response team to the scene. They take control of situations that may be chaotic, stressful, confusing, and traumatic. Dispatchers are often described as "first responders" as they make primary contact with the person reporting the emergency. As described in Section II, the Communications Center is integral in directing and characterizing these responses. For more information about the Communications Center, see [911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale](#), which the City Auditor's office released in 2019.

**Other personnel units.** A small portion of the data involves BPD personnel in units other than patrol teams that responded to events, as well as personnel from other city departments outside of BPD. Our data set did not include personnel dispatched from the Berkeley Fire Department, which may respond to an event that includes a BPD personnel. Other units may include the personnel described in the following sections.

Figure 30. Percentage of Personnel Responses by Type of Unit, 2015-2019 (n = 646,958 responses)



Note: The category with 527,556 patrol officer responses includes 3,105 reserve officer responses. Patrol supervisors include sergeants, lieutenants, and captains.

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data



## Other BPD Response Personnel – Sworn Officers

In addition to patrol officers, BPD employs a core group of individuals who are sworn in as law enforcement officers. State law grants sworn officers the authority to enforce the law, including traffic law. According to BPD, no other personnel are granted the same authority at this time. The following sworn positions responded to events:

**Area Coordinators.** Area Coordinators are within the Community Services Bureau. These are officers on a special assignment in this unit. The Area Coordinators act as liaisons to the patrol officers in their assigned area and collaborate with other city departments or community organizations to solve long-term problems.

**Bike Unit.** Bike Unit personnel are officers on special assignment who travel by bike. They work in a focused geographical area and initiate stops related to their work, but they often self-dispatch to support patrol officers.

**Special Enforcement.** Special Enforcement officers are officers focused on detecting, apprehending, and prosecuting persons engaged in narcotics, vice, and organized crime. This Special Enforcement Unit was established in 2000 and most recently operated under investigations. BPD disbanded the drug taskforce within the Special Enforcement Unit in 2016.

**Motor Unit:** Motor unit officers operate within the Traffic Enforcement function of the Traffic Bureau. BPD staffs four motor officers who manage, investigate, and report on traffic-related events such as towed vehicles or collisions. The motor unit additionally supports the car seat education and installation program for the Berkeley Traffic Bureau.

**Sworn, non-patrol officers.** Some officers dispatched to events are sworn officers who are not assigned to patrol teams, such as when they are assigned to investigations or special assignments when they respond to a call.

## Other BPD Response Personnel – Professional Personnel

In addition to patrol officers and other sworn personnel, BPD employs individuals who are non-sworn. The following non-sworn positions responded to events:

**Community Service Officers.** Community Service Officers (CSO) are specialized professionals performing a wide variety of technical support duties in the department. CSOs work most often in Berkeley City Jail, evidence, and investigations. According to BPD, while CSOs rarely appear in the CAD data, they may appear in cases when they need assistance from BPD officers in the jail.

**Crime Scene Technician.** Crime Scene Technicians are part of the Crime Scene Unit/Investigation, and are CSOs. The Crime Scene Supervisor oversees four Crime Scene Investigators who collect and document evidence at crime scenes. Crime Scene Technicians support patrol officers of all ranks and all detectives with searches for evidence but are ultimately responsible for managing evidence in major or complex crimes.

**Parking Enforcement Officers.** Parking Enforcement Officers operate within the Parking Enforcement Unit of the Traffic Bureau. Parking Enforcement Officers enforce local and state parking laws and regulations. Their functions include responding to parking issues as reported by the community, working traffic control posts during police incidents, and helping to manage traffic and parking at special events, such as the 4th of July, the Solano Stroll, and UC Football games. Berkeley Municipal Code authorizes non-sworn parking enforcement officers to issue citations for violations of state and local parking laws, but not traffic violations.

## Non-BPD Response Personnel

**University of California Officers.** BPD dispatches these officers when they are partnered with a BPD officer as part of a special program in which BPD has the lead.

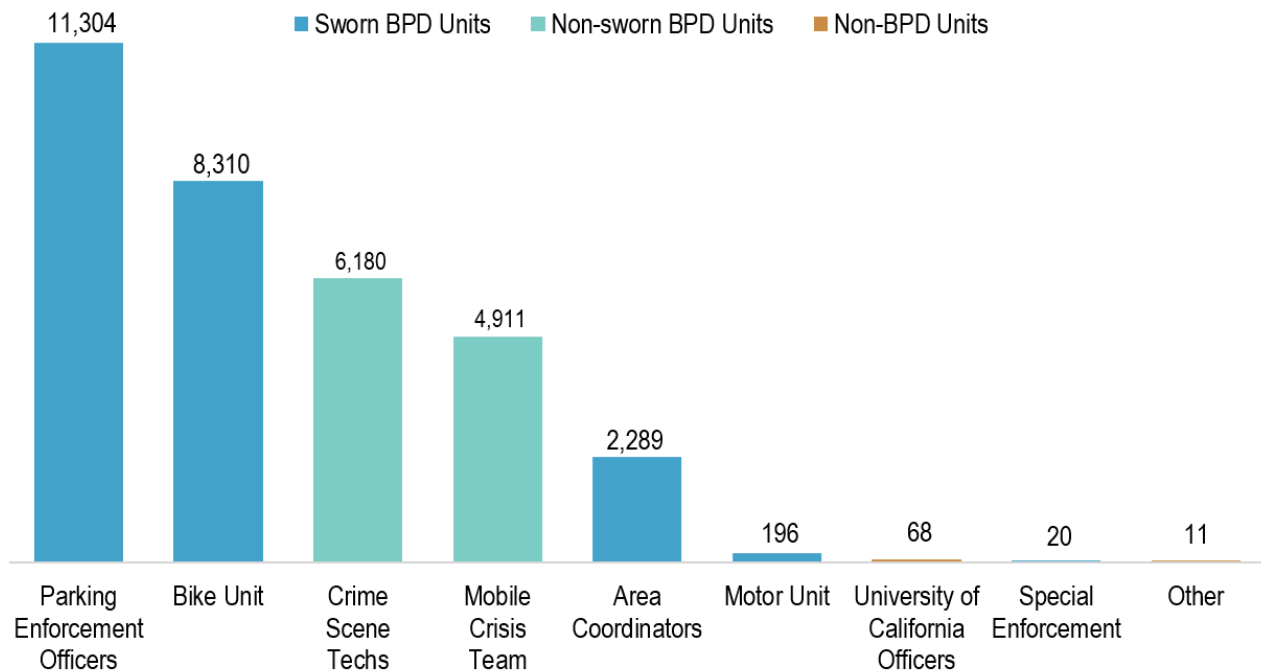
**Animal Control.** Animal Control are members of the City of Berkeley Animal Care Services. They are responsible for enforcement of city ordinances related to animals, removal of killed or injured animals, impoundment of stray pets, and investigation of animal-related neglect, cruelty, nuisance, and bite cases.

**Mobile Crisis Team.** The Mobile Crisis Team (Mobile Crisis) are staff in the City's Mental Health Division who may accompany BPD officers to calls related to individuals experiencing a mental health crisis. This team aims to reduce the impact of mental health emergencies through immediate response to crisis situations at the street-level and through coordination and consultation with local public safety organizations, hospitals, and other community groups.

## Response to Events

Figure 31 shows the number of personnel who responded to events from 2015 to 2019. For example, BPD dispatched patrol officers to respond to events 527,556 times during this time period with multiple officers being dispatched to some events. Patrol officers include eight patrol teams and reserve officers. Supervisors include police sergeants, lieutenants, and captains. Other units include Animal Control, Area Coordinators, Bike Unit, Crime Scene Techs, Community Service Officers, Dispatchers, Mobile Crisis Team, Parking Enforcement Officers, Police Aides, Special Enforcement, Traffic Bureau, and University of California officers. Figure 31 shows the number of responses by other personnel units each year.

Figure 31. Responses to Events by Other Units, 2015-2019 (n = 33,300 out of 646,958 personnel)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

The number of personnel who respond to an event varies depending on the call type. Table 7 shows the average number of personnel who responded to an event by the most frequent call types. Appendix G provides the average personnel responses for all call types.

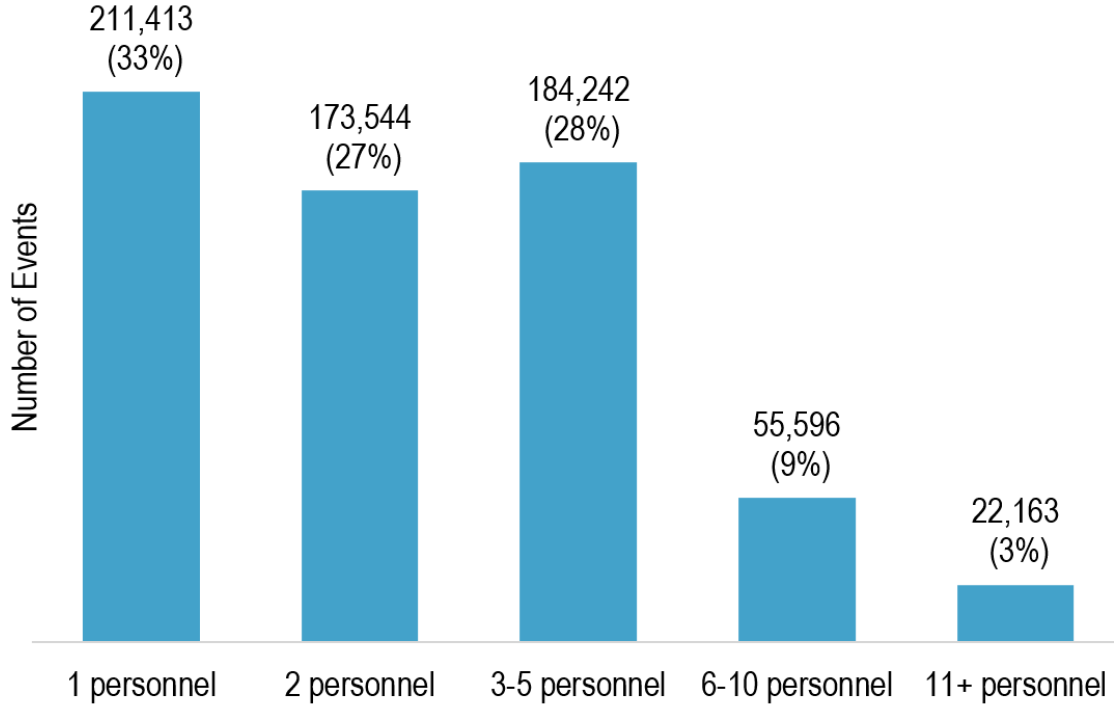
Table 7. Top 10 Call Types of Events by Personnel Response, 2015-2019 (n = 646,958 responses)

| Call Type                           | Average Personnel Responses per Event | Total Number of Personnel Dispatched |
|-------------------------------------|---------------------------------------|--------------------------------------|
| 1. T - Traffic Stop                 | 2                                     | 70,192                               |
| 2. 415 - Disturbance                | 1.5                                   | 66,511                               |
| 3. 1033A - Audible Alarm            | 1.7                                   | 34,044                               |
| 4. 415E - Noise Disturbance         | 2.6                                   | 29,783                               |
| 5. SEC - Security Check             | 1.9                                   | 29,172                               |
| 6. 1042 - Welfare Check             | 1.8                                   | 26,757                               |
| 7. PRKVIO - Parking Violation       | 3.1                                   | 21,594                               |
| 8. SUSCIR - Suspicious Circumstance | 2.3                                   | 18,593                               |
| 9. 602L - Trespassing               | 1.1                                   | 17,933                               |
| 10. 484 - Theft                     | 1.7                                   | 17,379                               |

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Figure 32 shows a breakdown of events by the number of responding personnel from 2015 to 2019.

Figure 32. Number of Personnel Response per Event, 2015-2019 (n = 646,958 responses)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

### BPD Patrol Teams

BPD has eight patrol teams, as shown in Figure 33. Each team is made up of 5 to 11 officers and two supervising sergeants. Four lieutenants oversee two patrol teams each. According to BPD, patrol teams often fall short of the number of assigned officers when officers are out due to sick leave, training, or injury, and officers do overtime to make the minimum staffing of 8-9 officers per team. The number of officers dispatched to an event will vary depending on the call type. On average, BPD dispatches 1.8 patrol officers per event. Appendix G includes the average personnel responses for each call type.

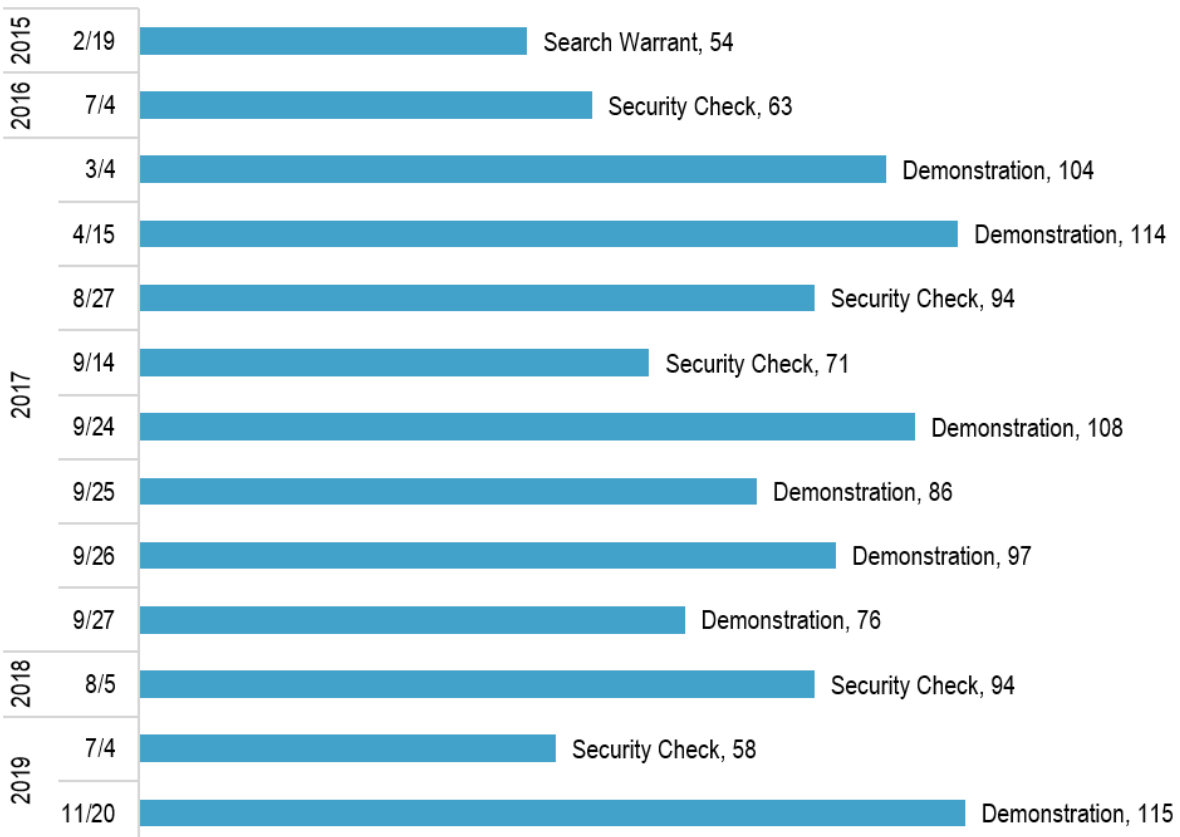
Figure 33. Example of Police Patrol Team Staffing

|             | Monday-Thursday     |                      |                     |                     | Friday-Saturday     |                       |                     |                     |
|-------------|---------------------|----------------------|---------------------|---------------------|---------------------|-----------------------|---------------------|---------------------|
|             | Team 1              | Team 2               | Team 3              | Team 4              | Team 5              | Team 6A               | Team 6B             | Team 7              |
| Lieutenants | 👮                   |                      | 👮                   |                     | 👮                   |                       | 👮                   |                     |
| Sergeants   | 👮👮                  |                      | 👮👮                  |                     | 👮👮                  |                       | 👮👮                  |                     |
| Officers    | 👮👮👮<br>10-11        | 👮👮👮<br>10-11         | 👮👮👮<br>10-11        | 👮👮👮<br>10-11        | 👮👮👮<br>10-11        | 👮👮👮<br>5              | 👮👮👮<br>5            | 👮👮👮<br>10-11        |
| Shift Time  | 6:00a<br>-<br>4:00p | 11:00a<br>-<br>9:00p | 3:30p<br>-<br>1:30a | 8:30p<br>-<br>6:30a | 6:00a<br>-<br>6:30p | 11:30a<br>-<br>12:00a | 2:00p<br>-<br>2:30a | 6:00p<br>-<br>6:30a |

Source: Berkeley Police Department

Figure 34 shows the dates when more than 50 personnel were dispatched to one event during the five-year period, including the call type that was assigned to each respective event.

Figure 34. Events with Responses from More than 50 Personnel, 2015-2019 (n = 1,134 out of 646,958 responses)



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

## Time Spent Responding to Calls

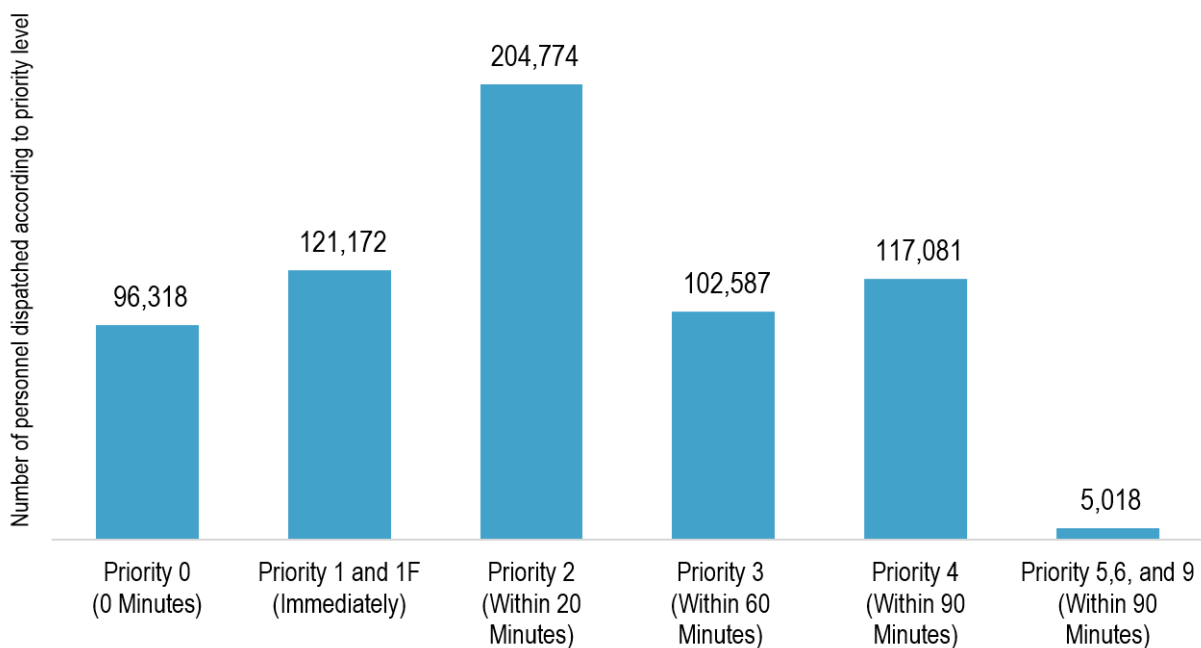
In this section we present information about the time BPD spends recording, dispatching, and responding to calls. The CAD data includes time stamps that correspond with the steps that occur throughout the call and response process. These time stamps enable an understanding of the amount of time that is dedicated to different portions of responses to events. We use the time between when a call is dispatched and cleared to indicate the amount of time that an officer or other personnel spends responding to an event. We use the time between a call being created and an officer being dispatched to denote the time in which the Communications Center assesses resources and dispatches officers.

The CAD system only records the time of a police event, which is an approximation of the time that officers and other personnel spend responding to events. Therefore, the data does not include information about how they spend their time outside of responding to events. Typical police activities that are not recorded in the CAD system include training, proactive policing activities, and report writing.

The time that BPD officers and other personnel take to respond to events can be longer than expected for several reasons. It could be because dispatchers forget to close out a call. Officers may have moved to another call, or are working on a report. Officers may also close out a call and continue to work on a report, so that they can be dispatched if needed.

Figure 35 shows the total number of BPD officers and other personnel dispatched to events by event priority level from 2015 to 2019.

Figure 35. Number of Personnel Responses by Priority Level, based on Time Between Call and Dispatch After a Call is Created, 2015-2019 (n = 646,950)



Note: Fire dispatch times are not included in this graphic.

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Table 8 shows the median time personnel spent responding to the ten most frequent call types from 2015 to 2019. Time spent responding is defined as the time between when the Communications Center dispatches personnel and closes the event in CAD, indicating that personnel are no longer on scene.

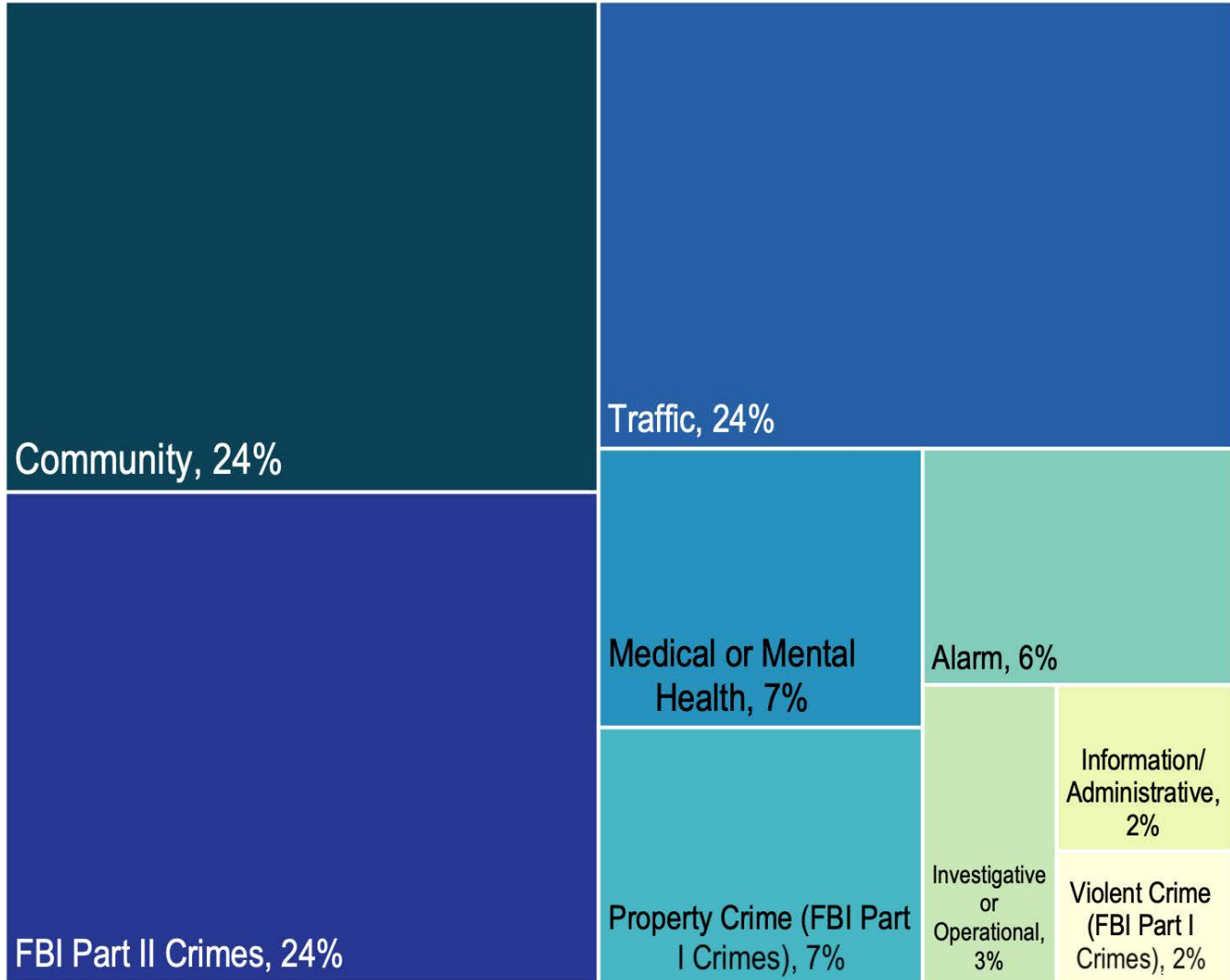
Table 8. Median Time Spent on Event after Dispatch for Top 10 Call Types, 2015-2019

| Call Type                           | Median Time Spent on Event after Dispatch (Minutes and Seconds) | Total Number of Personnel Dispatched |
|-------------------------------------|-----------------------------------------------------------------|--------------------------------------|
| 1. T - Traffic Stop                 | 6:46                                                            | 44,797                               |
| 2. 415 - Disturbance                | 6:46                                                            | 35,697                               |
| 3. 1033A - Audible Alarm            | 8:39                                                            | 19,921                               |
| 4. 415E - Noise Disturbance         | 7:42                                                            | 15,773                               |
| 5. SEC - Security Check             | 6:38                                                            | 15,268                               |
| 6. 1042 - Welfare Check             | 6:46                                                            | 15,030                               |
| 7. PRKVIO - Parking Violation       | 4:52                                                            | 13,613                               |
| 8. SUSCIR - Suspicious Circumstance | 6:47                                                            | 11,547                               |
| 9. 602L - Trespassing               | 6:46                                                            | 11,058                               |
| 10. 484 - Theft                     | 6:59                                                            | 10,556                               |

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Figure 36 shows an overview of the time BPD officers and other personnel spent responding to events for each call type classification. This is represented as percentages of the total time that all officers and other personnel spent responding to events.

Figure 36. Percent Personnel Time Spent Responding to Events Out of Total Time Responding to All Events by Auditor Classification, 2015-2019



Note: The figure excludes 36 responses that were missing start or end time stamps in the data.

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data



## VI. Finding 1: Berkeley Police Department can better track mental health and homelessness calls.

There has been much discussion by City Council and the community around BPD resources in response to events related to mental health and homelessness. City officials have estimated that BPD dedicates significant resources to responding to calls about people experiencing mental health issues or homelessness,<sup>13</sup> and the City Council requested data to gain a better understanding of BPD's response to these events.<sup>14</sup> As such, we assessed the available data about the number of events and officer-initiated activities that relate to mental health and homelessness.

Currently, it is difficult to determine the full extent of BPD officers' encounters with people who are experiencing a mental health issue or homelessness from the data set. We identified as many of these events in the data as possible, but they are undercounted, likely significantly, because BPD does not identify all calls related to mental health or homelessness. Better tracking of all events where mental health or homelessness are apparent would provide more complete understanding about BPD's response and inform decisions about the appropriate resources to dedicate to these events.

### Events Related to Mental Health and Homelessness are Undercounted

BPD receives many calls that involve individuals who are experiencing a mental health issue or homelessness, but there are some challenges that make it difficult to identify these events in the CAD data.

First, call types in CAD reflect the primary reason for a call which may not capture events where the individuals involved are experiencing a mental health issue or homelessness. CAD has some call types to identify when the primary reason for the call is a mental health issue, such as a suicide attempt or "5150" for someone experiencing a mental health crisis. However, if the primary reason for the call is another issue, dispatchers are trained to assign those to call types that reflect the primary reason, such as family disturbance or pedestrian stop, which do not capture an accompanying mental health issue. According to BPD, if the event involves a potential crime, dispatchers will always log it using a corresponding crime code and not a mental health call type. For example, if the Communications Center receives a call about a disturbance in progress, dispatchers will assign a call type related to a disturbance. Officers may arrive on scene and find the individual involved is experiencing a 5150 mental health crisis, but the call type would not reflect this. Similarly, there is one call type specifically for events related to homelessness, but dispatchers may assign these events to other more general call types such as welfare check or person down depending on the information they receive about the primary reason for the call.

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<sup>13</sup> Berkeleyside article, "Mental health calls #1 drain on Berkeley police resources." <https://www.berkeleyside.com/2015/04/16/mental-health-calls-are-1-drain-on-berkeley-police-resources>

<sup>14</sup> Mayor's Omnibus Motion on Public Safety Items: [https://www.cityofberkeley.info/uploadedFiles/Clerk/Level\\_3\\_-\\_Commissions/2020-07-14%20Mayor%20Supp%203%20Police%20Items.pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_Commissions/2020-07-14%20Mayor%20Supp%203%20Police%20Items.pdf)

Second, disposition codes used to describe basic information about the event do not always capture when there is a mental health or homelessness component. For instance, out of 29,031 events with a mental health term in the narrative, only 23 percent were assigned the mental health disposition code. According to BPD, officers most often are the ones to enter disposition codes unless they call into the Communications Center and provide information for dispatchers to enter the code. BPD stated that officers do not consistently use this code for events with an apparent mental health component. Additionally, CAD does not have a disposition code that indicates whether an individual in an event is experiencing homelessness. Even if CAD did have such a disposition code, BPD stated that officers tend to only ask individuals for information that is directly relevant to the event and may not gather information about housing status if it is not relevant. BPD should only include this information if it is apparent during the event.

Third, the narrative description for an event in CAD may not identify events with a mental health or homelessness component. In addition to logging call types and dispositions, dispatchers enter narrative information about the event in a description field. In our analysis, we found that the information in the description field does not always match the call type. For instance, dispatchers assigned over 20,950 events to a mental health call type. Of those events, mental health key words were only present in about 48 percent of the narrative descriptions. Using only the narrative description to identify 5150 calls would have excluded many of those calls. For events related to mental health or homelessness that do not have a designated call type, the description field may contain the only information that may identify those events as mental health or homelessness.

Lastly, the data shows when the Mobile Crisis Team responds to events related to mental health, but this alone is not a reliable way to identify these events. The Communications Center may not dispatch the Mobile Crisis Team if the responding officer does not request assistance. There are also some events that the Mobile Crisis Team would normally respond to but cannot because they are unavailable. There is no equivalent response personnel indicator for events related to homelessness.

We developed a method to identify as many events with a mental health or homelessness component as possible, which we describe below, but it is evident that our analysis significantly undercounts these events because of the data limitations we identified.

Transparency and accessibility of information about BPD's response to calls related to mental health or homelessness is an important part of the City's public safety reimagining process. In 2020, City Council passed the Omnibus Motion on Public Safety which called for the reimagining process to consider the police response to mental health and homelessness-related calls. To increase the availability of data on BPD's response to events that relate to mental health or homelessness to the extent that it is known, it is important that these events are identified in the CAD data. While there are challenges to identifying all these events, there are opportunities for BPD to capture more complete information by identifying events where it is apparent that individuals involved are experiencing a mental health crisis or homelessness, regardless of call type. This will result in more complete information about BPD's response and the outcomes of the events. This information can also inform decisions about the most appropriate way to respond to these events.

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## Identifying Events Related to Mental Health

Mental health events we identified in the data do not represent the total number of events that may have had a mental health component because of the data limitations described above. We used the following components of the CAD data to identify 42,215, unduplicated events with a mental health component, or nearly 12 percent of all events.

- **Call types.** Call types related to mental health include suicide (1056), mental illness (5150), and welfare check (1042). While dispatchers can select call types related to mental health, they can assess a situation and opt to select a different call type that reflects the nature of the event.<sup>15</sup> Events with a call type that indicated the presence of a mental health issue accounted for 20,950 of the mental health calls identified.
- **Mental health disposition code.** According to BPD officials, the data includes a disposition code that is used to reflect events involving a mental health issue. This is a field that can be checked by BPD officers in addition to an assigned call type.
- **Narrative description.** The data includes narrative fields that dispatchers use to document details about the call that extend beyond the other CAD data entry options. These descriptions can vary depending on the dispatcher and not follow standardized language to describe mental health-related situations. In order to identify mental health-related terms within the narrative data, we consulted with officials from Berkeley Mental Health and the Mental Health Commission to create the list of search terms specific to mental health (Appendix F). We then used these terms to query and identify all the narrative reports to identify events with description fields that contained terms associated with mental health.<sup>16</sup>
- **Mobile Crisis Team response.** The data specifies the personnel who responded to each event. We queried the data for all instances in which the Mobile Crisis Team responded to an event. The data includes only Mobile Crisis Team responses that also involve a sworn BPD officer. The data does not document occasions in which the Mobile Crisis Team is unavailable to respond to a request for support. Therefore, the absence of a Mobile Crisis Team response does not necessarily mean that there was no request for their services.

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<sup>15</sup> This includes other call types that do not explicitly refer to mental health but correlate with mental health outcomes, such as welfare check, family disturbance, pedestrian stops, and suspicious person.

<sup>16</sup> We used the terms that are more specific to mental health and excluded terms more specific to substance abuse or addiction.

Table 9 below shows the unduplicated events we were able to identify as related to mental health based on the call type, disposition, narrative description, or response by the Mobile Crisis Team. Approximately 12 percent of all events were related to mental health from 2015 to 2019.

Table 9. Results of Scan for Events Related to Mental Health, 2015-2019

|                   |   | Narrative Report                                             | Disposition Report                     | Call Types                                   | Mobile Crisis                         | Unduplicated Count                                                       |
|-------------------|---|--------------------------------------------------------------|----------------------------------------|----------------------------------------------|---------------------------------------|--------------------------------------------------------------------------|
|                   |   | Mental Health-related events identified in Narrative Reports | Events with an "MH" Disposition Report | Events with Mental Health-related Call Types | Events with response by Mobile Crisis | Narrative report, disposition, call types, and/or Mobile Crisis response |
| Identified events | # | 29,031                                                       | 9,555                                  | 20,950                                       | 992                                   | 42,215                                                                   |
|                   | % | 8.1%                                                         | 2.7%                                   | 5.8%                                         | 0.3%                                  | 11.7%                                                                    |
| Total Events      |   | 360,242                                                      | 360,242                                | 360,242                                      | 360,242                               | 360,242                                                                  |

Note: Call Types includes: 1056 – Suicide, 5150 - Mental Illness and 1042 - Welfare Check

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Table 10 shows how many events of the ten most frequent call types also had a mental health component from 2015 to 2019.

Table 10. Top 10 Call Types and Mental Health Terms in Narrative, 2015-2019

| Call Types                          | Events with Mental Health term in Narrative Field | Percent of Events | Total Events |
|-------------------------------------|---------------------------------------------------|-------------------|--------------|
| 1. T - Traffic Stop                 | 70                                                | 0.2%              | 44,797       |
| 2. 415 - Disturbance                | 6,792                                             | 19.0%             | 35,697       |
| 3. 1033A - Audible Alarm            | 100                                               | 0.5%              | 19,921       |
| 4. 415E - Noise Disturbance         | 221                                               | 1.4%              | 15,773       |
| 5. SEC - Security Check             | 199                                               | 1.3%              | 15,268       |
| 6. 1042 - Welfare Check             | 6,032                                             | 40.1%             | 15,030       |
| 7. PRKVIO - Parking Violation       | 107                                               | 0.8%              | 13,613       |
| 8. SUSCIR - Suspicious Circumstance | 1,244                                             | 10.8%             | 11,547       |
| 9. 602L - Trespassing               | 514                                               | 4.6%              | 11,058       |
| 10. 484 - Theft                     | 395                                               | 3.7%              | 10,556       |

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

## Identifying Events Related to Homelessness

Similar to mental health-related events, we were not able to identify all events related to homelessness because the information tracked in CAD is limited. While mental health-related events have several call types, lodging in public is the only call type for events related to homelessness. Unlike mental health, events related to homelessness in CAD do not have a disposition identifier. We used the following components of the CAD data to identify 21,631 events involving homelessness which represent 6 percent of all events, but this is an undercount:

- **Call type.** The only call type that is specifically related to events that involve one or more people experiencing homelessness is lodging in public. Events with this call type accounted for 0.6 percent of police-related CAD events we could identify as related to homelessness.
- **Narrative Description.** We queried all the events to identify those with description fields that contained terms associated with homelessness. We consulted with officials from Berkeley's Health, Housing, and Community Services Department, the Mental Health Division within that department, the Homeless Commission, and Mental Health Commission to create the list of search terms specific to homelessness (see Appendix F).

Events related to homelessness may also have a mental health component. The 21,631 homelessness-related events identified may overlap with some of the events related to mental health.

Table 11 below shows the unduplicated events we were able to identify as related to homelessness based on the call type or narrative description.

Table 11. Results of Scan for Events Related to Individuals Experiencing Homelessness, 2015-2019

|                   |   | Homeless-Related Events Identified in Narrative Reports | Events with Call Type Lodging in Public | Unduplicated Count (Call type and/or Narrative Terms) |
|-------------------|---|---------------------------------------------------------|-----------------------------------------|-------------------------------------------------------|
| Identified events | # | 20,694                                                  | 2,221                                   | 21,631                                                |
|                   | % | 5.7%                                                    | 0.6%                                    | 6.0%                                                  |
| Total Events      |   | 360,242                                                 | 360,242                                 | 360,242                                               |

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Table 12 shows the ten most frequent call types and events with a homelessness component from 2015 to 2019.

Table 12. Top 10 Call Types and Homelessness Terms in Narrative, 2015-2019

| Call Types                          | Events with Homelessness Term in the Narrative Field | Percent of Events | Total Events |
|-------------------------------------|------------------------------------------------------|-------------------|--------------|
| 1. T - Traffic Stop                 | 59                                                   | 0.1%              | 44,797       |
| 2. 415 - Disturbance                | 3,436                                                | 9.6%              | 35,697       |
| 3. 1033A - Audible Alarm            | 118                                                  | 0.6%              | 19,921       |
| 4. 415E - Noise Disturbance         | 284                                                  | 1.8%              | 15,773       |
| 5. SEC - Security Check             | 439                                                  | 2.9%              | 15,268       |
| 6. 1042 - Welfare Check             | 1,526                                                | 10.2%             | 15,030       |
| 7. PRKVIO - Parking Violation       | 41                                                   | 0.3%              | 13,613       |
| 8. SUSCIR - Suspicious Circumstance | 710                                                  | 6.1%              | 11,547       |
| 9. 602L - Trespassing               | 4,760                                                | 43.0%             | 11,058       |
| 10. 484 - Theft                     | 518                                                  | 4.9%              | 10,556       |

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

## Recommendation

To improve access to data, we recommend the Berkeley Police Department:

- 1.1 Identify all calls for service where there is an apparent mental health issue and/or homelessness component in a manner that protects the privacy rights of the individuals involved.

## VII. Finding 2: The City can improve the transparency of Police Department activity data on the Open Data Portal.

The City's Open Data Portal provides the public with limited information about events that BPD responds to. There are opportunities for BPD to improve transparency by increasing the type and scope of data available on the portal.

The City of Berkeley launched the Open Data Portal (portal) pilot on December 15, 2014 with the goal of providing non-confidential, public data for unrestricted use. BPD captures events in their calls for service data set on the portal, which was created in March 2015. BPD policy states that reports must be released to any member of the public unless the release of the report would endanger a person, interfere with an investigation, constitute an unwarranted invasion of privacy, or is otherwise prohibited by law.

However, the data BPD shares on the portal does not include all available data fields. The data fields missing would prevent people using the data from being able to identify the call source, the number of police personnel dispatched, or officer time spent on scene. Without this information, the public may not have a complete understanding of BPD's response to these events.

The calls for service data available on the portal is also limited in scope. It does not include events with certain call types, such as welfare check and noise disturbance, and is limited to data within the last 180 days. The limited date ranges make it difficult to assess trends over time.

Ensuring that all event data has more complete information about the police response, personnel dispatched, time, and call source would help give the public with a more complete understanding of calls for service that the Communications Center receives. Public access to calls for service data enables the community to engage more thoroughly with BPD, elected officials, and city staff to develop a shared understanding of crime and policing in Berkeley. In addition, increased transparency through the portal may decrease requests for BPD data through the Public Records Act.

### Recommendation:

To improve access to data, we recommend the Berkeley Police Department:

- 2.1 Make calls for service data available on the City's Open Data Portal for all call types allowable by Berkeley Police Department policy and law, and update regularly to facilitate transparency. This data should be published in machine ready format, and contain as many years of data as is available.

## VIII. Recommendations and Management Response

City Management agreed to our findings, conclusions, and recommendations. Below is the Police Department's initial corrective action plan and proposed implementation date. We find their plans to address our audit recommendations reasonable, however, we would like to clarify the intent of our recommendations.

With regards to the first recommendation, the goal is to collect and provide additional data on calls for service that have an apparent mental health and/or homelessness component. We do not recommend that the Police Department inquires about individuals' housing or mental health statuses, but instead collects this information in a similar way to how the department collects data on individuals' race for traffic stops. With regards to the second recommendation, the goal is to provide additional data on calls for service to the public. We understand that it may take time to coordinate with the vendor to include new datasets. We suggest that in the meantime, the Police Departments publishes the Calls For Service dataset that was provided to our office for this analysis and covers the past five years.

As part of the follow-up process, the Berkeley City Auditor will be actively engaged with the Police Department every six months to assess the progress they are making towards complete implementation.

- 1.1 To improve access to data, we recommend the Berkeley Police Department identify all calls for service where there is an apparent mental health issue and/or homelessness component in a manner that protects the privacy rights of the individuals involved.

**Management Response:** Agree with stated limitations which follow.

**Proposed Implementation Plan:** The Berkeley Police Department can implement steps to capture these issues on calls when appropriate and/or obvious. Disposition codes, which are part of every Call For Service (CFS) offer a tool for data collection. While currently disposition codes for homeless and mental health issues exist, we need to implement training that better defines when these codes should be included in CFS dispositions. We anticipate some challenges with this as we do not routinely inquire about peoples' housing or mental health statuses, especially when it is not directly related to the call for service. It will be important to identify what situations it might be appropriate to inquire about these issues to ensure that personal dignity is respected and privacy rights acknowledged. To ensure these goals are met, further discussion and clarification may be needed as to what data we are attempting to capture by indicating if mental health issues or homelessness was a component of a CFS, and setting more clearly defined definitions as to when each code should be used. Currently standard evaluation tools do not exist to extract this data in situations beyond the most obvious. Developing tools that accurately capture this information where it is more nuanced, and then implementing training that ensures these tools can be applied correctly could be affected by competing resource demands.

**Proposed Implementation Date:** Between 4-6 months from date of audit completion.



## VIII. Recommendations and Management Response

### 2.1

To improve access to data, we recommend the Berkeley Police Department make calls for service data available on the City's Open Data Portal for all call types allowable by Berkeley Police Department policy and law, and update regularly to facilitate transparency. This data should be published in machine ready format, and contain as many years of data as is available.

**Management Response:** BPD agrees that the current dataset posted online needs to be updated or replaced.

**Proposed Implementation Plan:** The new dataset should be able to incorporate additional information that is not currently published. Our staff will need to explore if our current vendor can suffice to provide the requested data, or if we need to seek a new vendor for this work. Implementation timeline is also dependent on the whether this project will require a new contract and budget to accomplish the recommendation. Implementation may require assistance and resources from IT as well, which could further delay implementation.

**Proposed Implementation Date:** Between 4-6 months if work remains with current vendor, 9-12 months if new vendor selection required.

## IX. Methodology and Statement of Compliance

The scope of our audit focused on data for calendar years 2015 to 2019. We performed a risk assessment of the department's data collection and management practices and procedures to identify internal control weaknesses, including fraud risks, within the context of our audit objectives. This included a review of selected policies and procedures, as well as interviews with subject matter experts and BPD staff.

To gain an understanding of BPD operations and internal controls and to achieve our audit objectives, we:

- Reviewed BPD policies and procedures for dispatching units to respond to an event, performing traffic stops, maintaining quality control for data systems, and how patrol officers spend their time to understand the requirements for officers in the City of Berkeley.
- Reviewed local and state laws on police operations and data collection to understand what governs police operations.
- Reviewed national media on reimagining policing, and the collection and analysis of police data to understand the information available to the public.
- Validated and analyzed CAD data from 2015 through 2019.
- Interviewed BPD patrol officers, command staff, dispatchers, police information technology staff, the crime analyst, and the police records manager to understand departmental operations.
- Interviewed mental health and housing officials from the Department of Health, Housing, and Community Services (HHCS), the Homeless Commission, and the Mental Health Commission.
- Interviewed external subject matter experts:
  - AH Datalytics
  - Portland City Auditor
  - San Jose City Auditor
  - Center for Policing Equity
  - Yale Justice Collaboratory
  - NYU School of Law Policing Project
  - Jerry Ratcliffe, Temple University
  - Austin Justice Coalition
  - Jack Glaser, UC Berkeley Goldman School of Public Policy
  - Oakland Reimagining Public Safety Task Force (Data Advisory Board)
  - National Institute for Criminal Justice Reform
  - Berkeley's Police Review Commission
  - Mayor's Fair and Impartial Policing Working Group
- Reviewed the available BPD data sets on the City's Open Data Portal.

### Preparing the Data Sets

In this section, we detail the process we undertook to gather, validate, and prepare the data, in addition to the

decision points that went into preparing each data set.

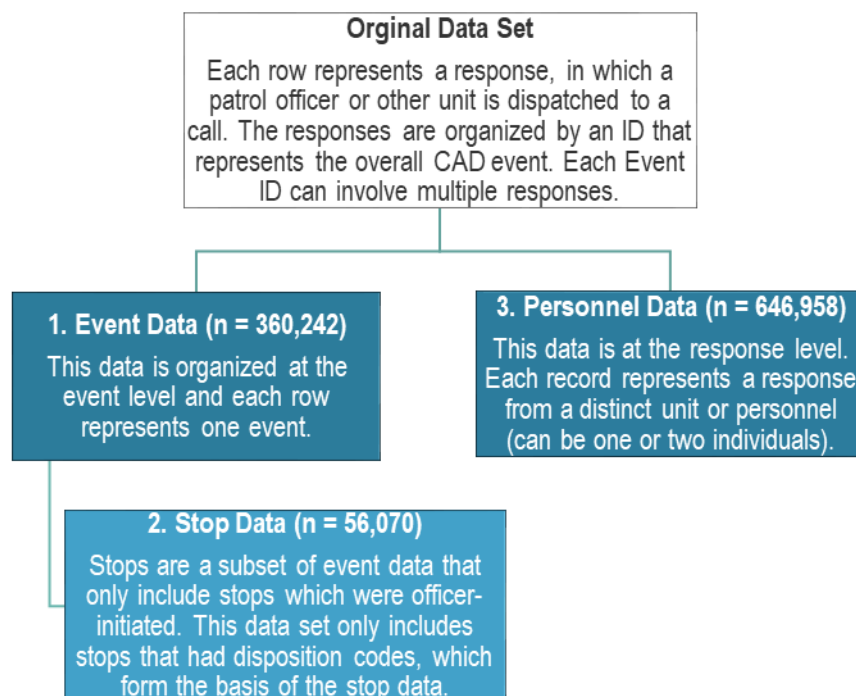
**Gathered the data.** We collaborated closely with BPD on an information request to ensure the data set reflected the breadth of inputs to the CAD system. The validation process resulted in multiple data pulls to resolve substantial discrepancies that we identified in the data. In February 2021, BPD delivered the final source data that forms the basis of this report.

**Conducted Data Reliability Assessment.** We assessed the reliability of CAD data by reviewing them for reasonableness and completeness, interviewing knowledgeable data owners, gaining an understanding of data access controls, and reviewing data system documentation from BPD and the Communications Center. We also reviewed the Department's policies and procedures, interviewed staff at all levels, interviewed an extensive and varied list of subject matter experts, and reviewed relevant California and Berkeley laws. We determined that the data was sufficiently reliable for the purposes of this report.

**Processed the Data to Improve Accuracy.** We took the following steps to clean the original data set to improve accuracy:

- We eliminated records for which call types included "NULL" data, as call types are a required entry for dispatchers.
- We eliminated records that represented test calls, such as unit "Mobile08" which represented a test by dispatchers.
- We eliminated events for which there is no response from a sworn officer, due to our primary focus on responses from sworn BPD officers.
- We narrowed the data to events that occurred from January 2015 to December of 2019.
- We organized the data by three separate data sets: event data, stop data, and personnel response data. These data sets reflect different components of the CAD system, and their sample sizes vary due to how they are organized in the data set.

Figure 37. Summary of Data Sets used in the Report



Source: Berkeley City Auditor

1. **Characteristics of Events (sample size 360,242 events).** For the purposes of this report, events are incidents that the community calls in or police officers observe that result in a police response. Events range in complexity and the Communications Center categorizes them using call types such as suspicious circumstance, disturbance, petty theft, security check, and anything in between. Appendix G provides the full list of call types that are used to describe events in the City of Berkeley. We highlighted the trends and characteristics for all unique events in the data, including community-initiated calls and officer-initiated stops.
2. **Characteristics of Officer-Initiated Stops (sample size 56,070 stops).** We examined an additional subset of stops officers initiated that were unrelated to calls for service. Stops may include vehicle, pedestrian, bicycle, or suspicious vehicle stops. All of the stops that we review in this section are initiated by officers.
3. **Characteristics of Police Response (sample size 646,958 individuals who responded).** The Berkeley Police Department Communications Center can assign multiple officers in response to one event. As a result, there are more police responses in the data than there are events. We provide data for responses from officers and other units, including but not limited to the Mobile Crisis Team, Area Coordinators, or the Traffic Bureau.

## Categorization of Data

The data contains categorized fields. These include:

**Call Type Classifications.** We chose to categorize the data into ten categories as illustrated in our report. We selected these categories based on research of current best practices by university researchers, interviews with subject matter experts, and a preliminary assessment of the data sets. We used the

definitions for serious and property crime used by the FBI's Uniform Crime Report statistics.

When developing the categories, we took the following into consideration:

- Call types can fall into several classifications. The definitions below guide our decision to keep one call type under a specific category. For instance, vehicle stops are used to manage traffic flows, but in some instances, they may also be related to an investigation. We chose to keep vehicle stops in the traffic category because they may not necessarily result in a crime report.
- Call types under the same classification may serve different purposes. For instance, call types related to alarms may serve a variety of purposes. Some alarms involve investigation for an alarm going off (1033a), while others are more criminal in nature such as a bank alarm indicating a robbery (1033g).
- Our call type classifications present one model among various approaches for classifying call types. There are other approaches for organizing call types, such as by police functions or penal codes.
- It is possible for call types under any of the categories to result in a crime report. We grouped some events into call type classifications that refer to crimes that may be involved. However, other call types may also involve a crime report.

**Mental Health and Homelessness.** To capture the extent of these calls, we used components of the CAD data to identify unduplicated events related to mental health and unduplicated events related to homelessness. Components related to mental health include call types (1056 – Suicide, 5150 - Mental Illness, and 1042 - Welfare Check), the disposition code “MH,” response by Mobile Crisis Team personnel, and terms in the narrative data related to mental health. Components related to individuals experiencing homelessness include events identified in narrative reports, and the call type “lodging in public.”

**Personnel.** We vetted codes that indicate the type of personnel in the data with the Police IT Manager and Communications Center Manager. Through interviews with the Police Records Manager and other BPD command staff, we organized police personnel by categories according to whether they are sworn or non-sworn staff. We additionally categorized staff as patrol units, patrol supervisors, other units, and sworn, non-patrol officers.

## Statement of Compliance

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

## Appendix A. Fields Included in the CAD Data

| Data Fields            | Description                                                                                                          |
|------------------------|----------------------------------------------------------------------------------------------------------------------|
| Incident Number*       | Unique ID for the event.                                                                                             |
| Call Source            | The origin of the call, recoded to include Emergency Line (911), Non-Emergency Line, or Officer-Initiated, or Other. |
| Call Type*             | Call code created by dispatch to describe important information about the event.                                     |
| Priority               | Priority level assigned to the event to determine the urgency of the response.                                       |
| Occurred Incident Type | Category selected by the officer to organize crime-related calls.                                                    |
| UCR Return A Code      | Code selected by the officer and reported to the FBI as a DOJ requirement for all Part 1 crimes.                     |
| Unit Disposition       | Patrol-reported outcomes of the call. Includes stop dispositions and incident reports.                               |
| Call Disposition       | Dispatcher-reported outcomes of the call. Includes stop dispositions and incident reports.                           |
| Address*               | Where the event was reported to have occurred.                                                                       |
| Address Location Type  | The type of address that is provided by dispatch; includes address, intersection, or longitude/latitude.             |
| Latitude/Longitude     |                                                                                                                      |
| Police Area            | Beat where the event is taking place.                                                                                |
| Create Date Time*      | The time and date the call was created by either the dispatcher or the officer.                                      |
| Dispatch Time          | The time and date when the officer was dispatched to the incident.                                                   |
| Enroute Time           | <b>Time and date in which the officer changes their status to "enroute" after being dispatched.</b>                  |
| Onscene Time           | Time and date in which the officer arrived to the scene.                                                             |
| Clear Time             | Time and date in which the incident was cleared (closed) by a dispatcher.                                            |
| Primary Unit Flag      | <b>The primary officer designated to handle the call. All others are "assisting" officers or units.</b>              |
| Unit Number            | The number that corresponds to the police officer and/or other units assigned to                                     |
| Narrative Data         | Further documentation about details of the event used to inform dispatched officers or units.                        |

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Note: Fields with an asterisk are required entries in Computer Aided Dispatch (CAD).

## Appendix B. Priority Codes and Call Types According to BPD Policy

| Priority Code         | Call Type                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| F1 & P1*              | Boat Fire, Encampment Fire, Encampment Medical, Hazardous Material, Multiple Causality Incident, Water Rescue, Retrieval of a Patient, Structure Fire, Vegetation Fire, Medical Emergency with Gun Shot, Vehicle Accident, Vehicle vs Ped or Bike                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| P0                    | Pedestrian Stop, Suspicious Vehicle, Bike Stop, Vehicle Stop                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| P1                    | Person Down, Person Calling For Help, Explosion, Unknown Injury Accident, Priority Code Assist, Officer Needs Help, Hit & Run w/ Injuries, GPS Tracker Alarm, Silent Alarm, Pronet Alarm, Video Alarm, Threat of Suicide, Missing Person at Risk, Missing Juvenile, Injury Accident Complaint of Pain, Ascertain 911, Aid to BFD, Bomb Tech, Officer Flagged Down, Foot Chase, Person w/ a Gun, Vehicle Pursuit, Knock & Talk, Battery w/ grievous bodily harm (GBH), Assault w/ Caustic Substance, Assault w/ Deadly Weapon, Suicide w/ Ambulance, Major Injury Accident, Suicide Attempt, Dead Body Found, Shooting w/ Ambulance, Injury Accident, Injury Accident Inv Ped or Bicyclist |
| Priority 1/Priority 2 | Kidnap, Robbery, Carjacking, Attempted Rape, Shot At Dwelling, Rape, Spousal Abuse w/o Injury, Home Invasion, Attempt Assault w/Deadly Weapon, Child Abuse, Family Disturbance, Shoplifter In-Custody                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Priority 1/Priority 3 | Battery, Brandishing, Arson, Burglary, Prowler, Bomb Threat, Auto Burglary, Court Order Violation, Loud Report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Priority 1/Priority 4 | Temporary Restraining Order Violation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Priority 2            | Welfare Check, Reckless Driver, DUI Driver, Shooting Cold Report, Dog Bite, Vicious Dog, Hit & Run w/ Injuries Report, Battery w/ grievous bodily harm (GBH) report, Assault w/ Caustic Substance Report, Assault w/ Deadly Weapon Report, Oral Copulation, Found Juvenile, Found Person, Create New Call, Outside Agency Assist, Unknown Problem, Wireless 911                                                                                                                                                                                                                                                                                                                           |
| Priority 2/Priority 3 | Child Molest, Forgery, Grand Theft, Animal Cruelty, Mental Illness, Stolen Vehicle, Vandalism to Vehicle, Hit & Run Non-Injury, Speeding Vehicle, Throwing Object(s) at Vehicle, Peeper, Fall On City Property, Hate Crimes, LoJack Stolen Car, Suspicious Circumstance, Suspicious Person, Suspicious Vehicle                                                                                                                                                                                                                                                                                                                                                                            |
| Priority 2/Priority 4 | Indecent Exposure, Disturbance, Petty Theft, Defraud Hotel/Restaurant, Malicious Damage, Forged RX                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Priority 3            | Runaway, Missing Person, Transportation, Non-Injury Accident, Audible Alarm, Civil Standby, Injury Accident Report, Child Neglect, Under the Influence, Firearm Destruction, Stolen Vehicle Recovery, Search Warrant, Ticket Sign Off, Traffic Hazard                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Priority 3/Priority 4 | Possession of Stolen Property, Incurable, Trespassing, Drug Activity, Misc Penal Code Violation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Priority 3/Priority 9 | Misc Vehicle Code Violation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Priority 4            | Abandoned Vehicle, Stolen Rental Vehicle, Posted No Parking, Barking Dog, Vehicle Blocking Driveway, Vehicle Blocking Sidewalk, Vehicle Double Parking, 5 or More Unpaid Parking Tickets, No Vehicle Identification, Expired Vehicle Registration, Inoperable Vehicle, Noise Disturbance, Identity Fraud, Annoying Phone Calls, Red Zone Cite, Obstructing Traffic, Construction Zone, Advice, Aid to Citizen, Animal Matter, Berkeley Municipal Code (BMC) Violation, Car Alarm, Court Order Report, Found Property, Parking Violation, Security Check, VINVerification                                                                                                                  |
| Priority 4/Priority 5 | Gambling                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Priority 4/Priority 6 | Prostitution, Lodging in Public                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Priority 4/Priority 9 | Illegal Dumping                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Priority 6            | Business & Professions Violation, Warrant Arrest                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

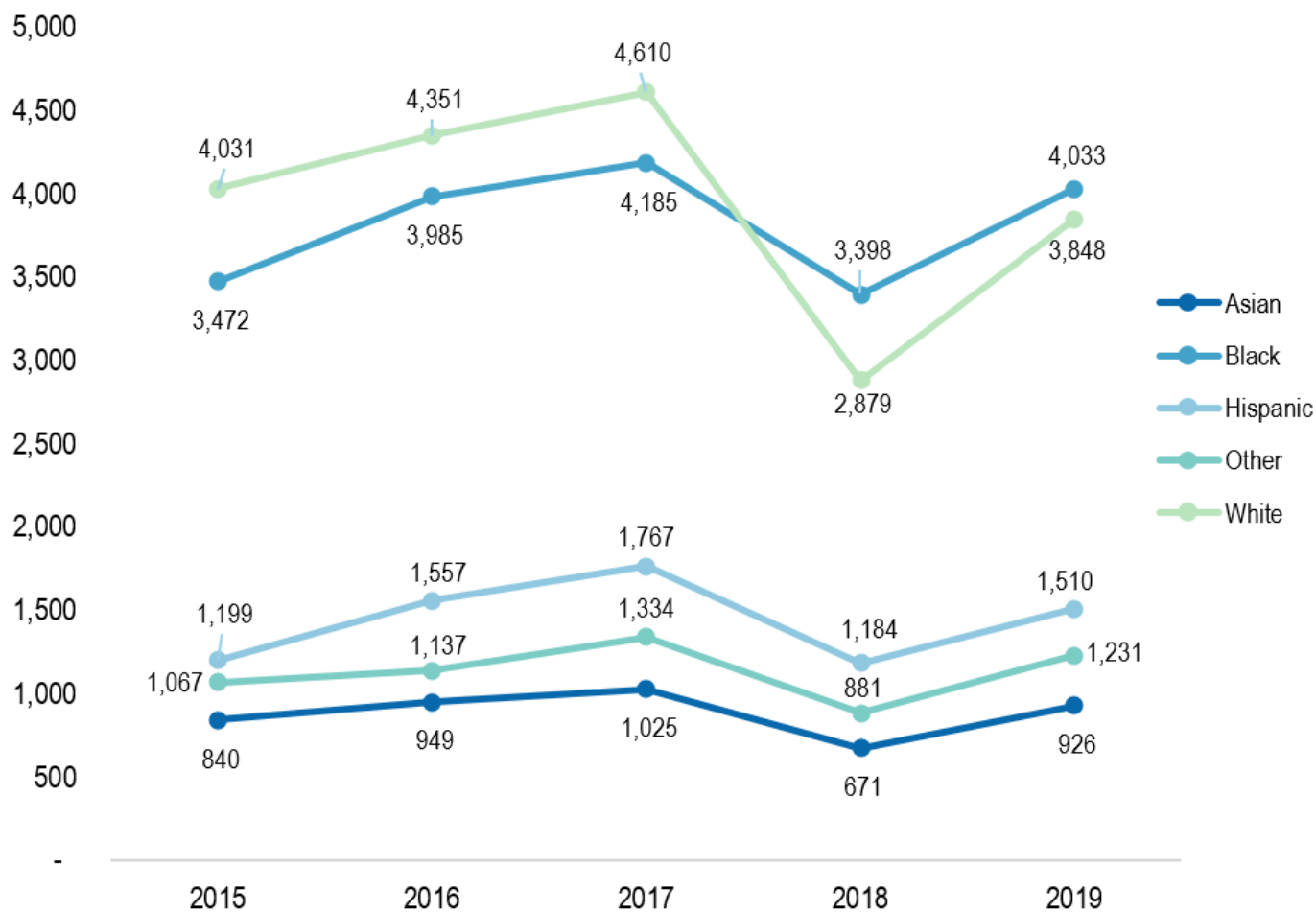
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| Priority Code | Call Type                                                                                                                                                                                                                                           |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Priority 9    | Bait Bike, City Manager Report, Property Damage, Demonstration, Extra Surveillance, Information, Lost Property, Mental Health, Repossession, Storm Log, Subpoena Service, Surveillance, Test Call, Temporary Restraining Order Log, Vehicle Release |

Source: Berkeley Police Department



### Appendix C. Stops by Race, 2015-2019

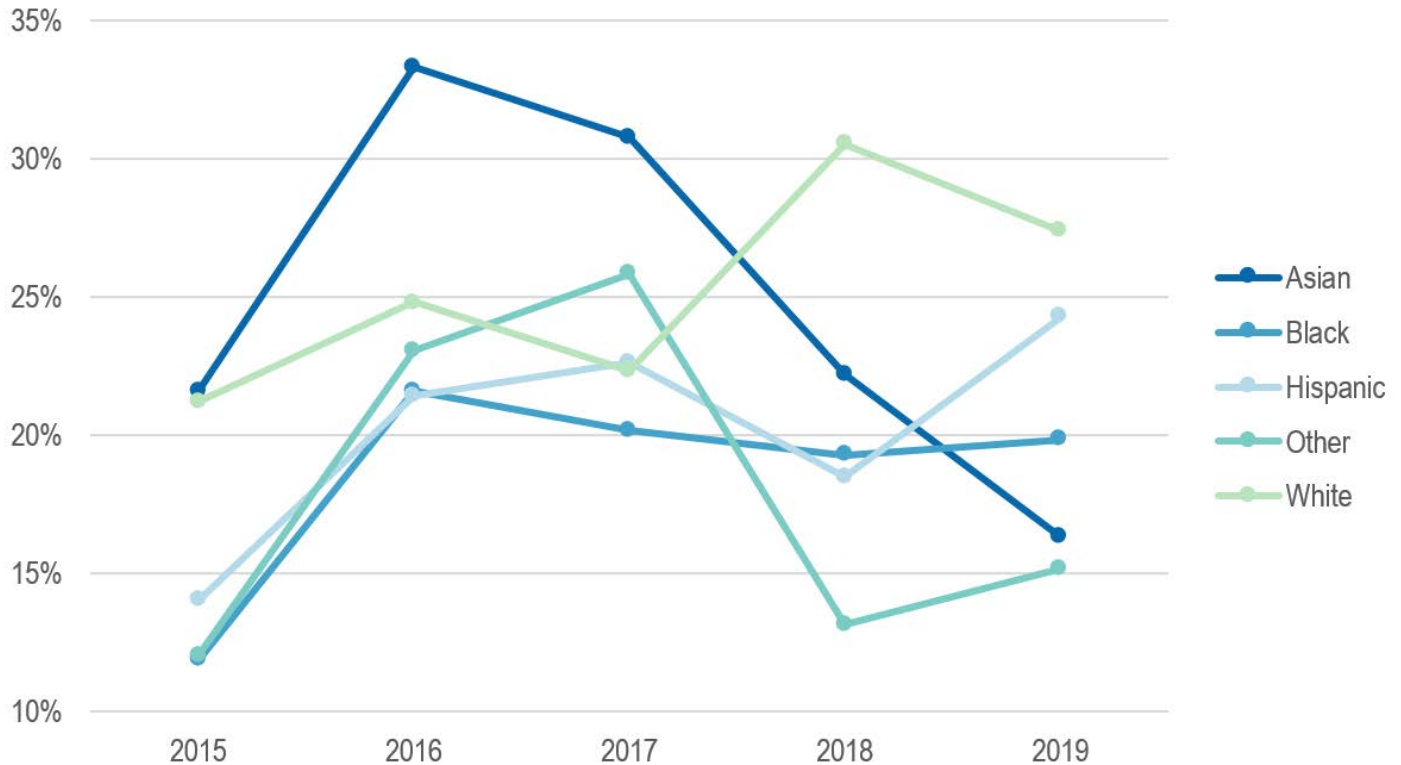


Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

## Appendix D. Enforcement Outcomes of Searches by Race, 2015-2019

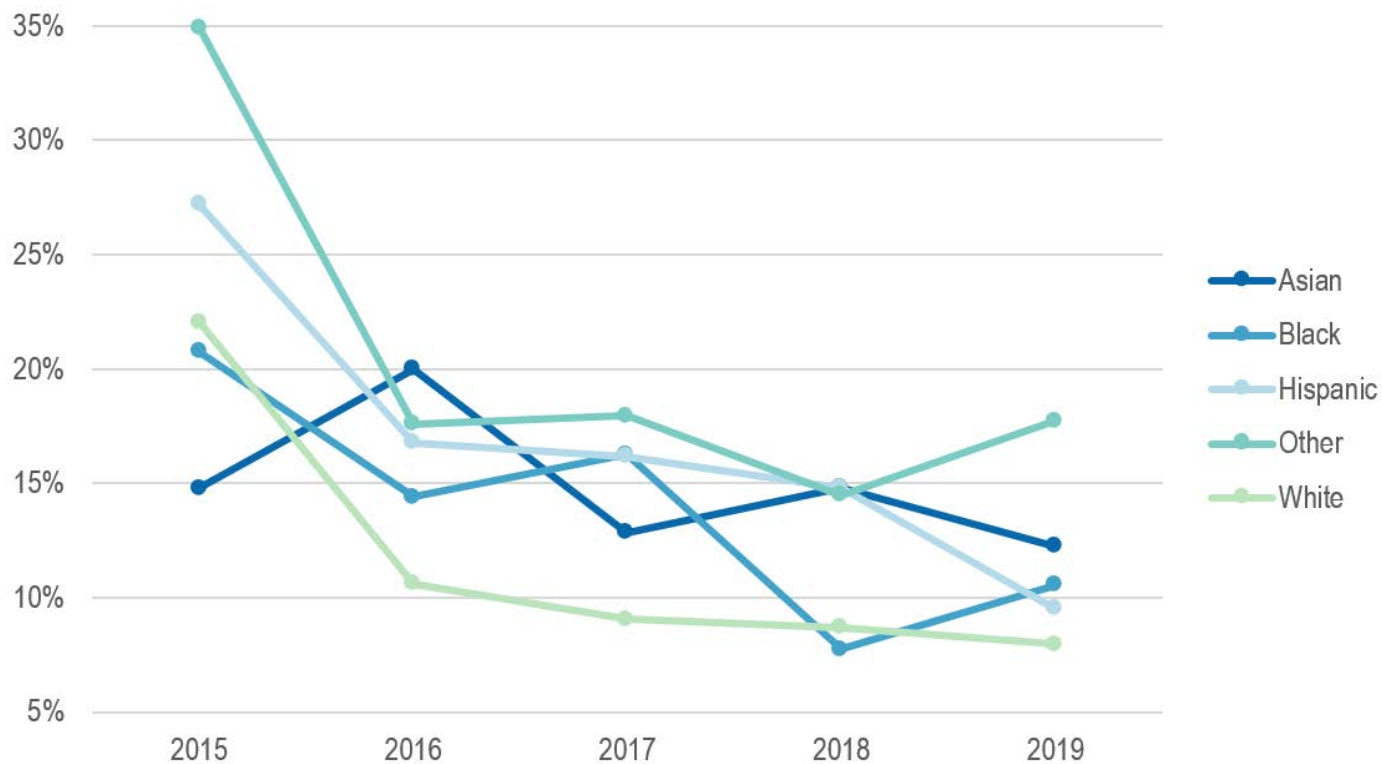
The graphs below show trends in enforcement outcomes of searches by race during the 2015 to 2019 audit period. Each data point on the trend lines represents the percentage of searches *for that race group* that resulted in the specified enforcement outcome (not the percentage of total searches for *all race groups*). Note that the graphs are intended to allow comparison between race groups, and the percentages on the left (y-axis) vary depending on the range of data in the graph.

Percentage of Searches that Resulted in Arrest by Race, 2015-2019



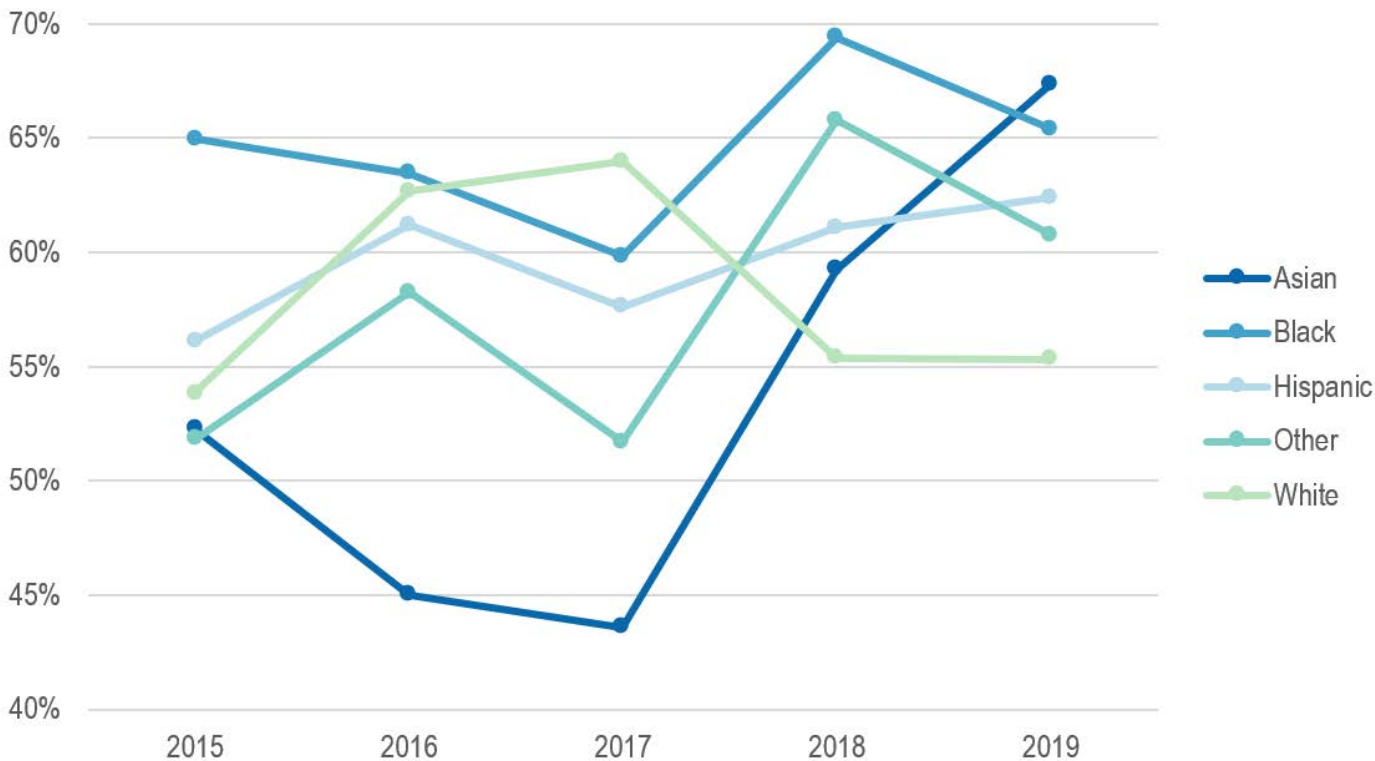
Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Percentage of Searches that Resulted in a Citation by Race, 2015-2019



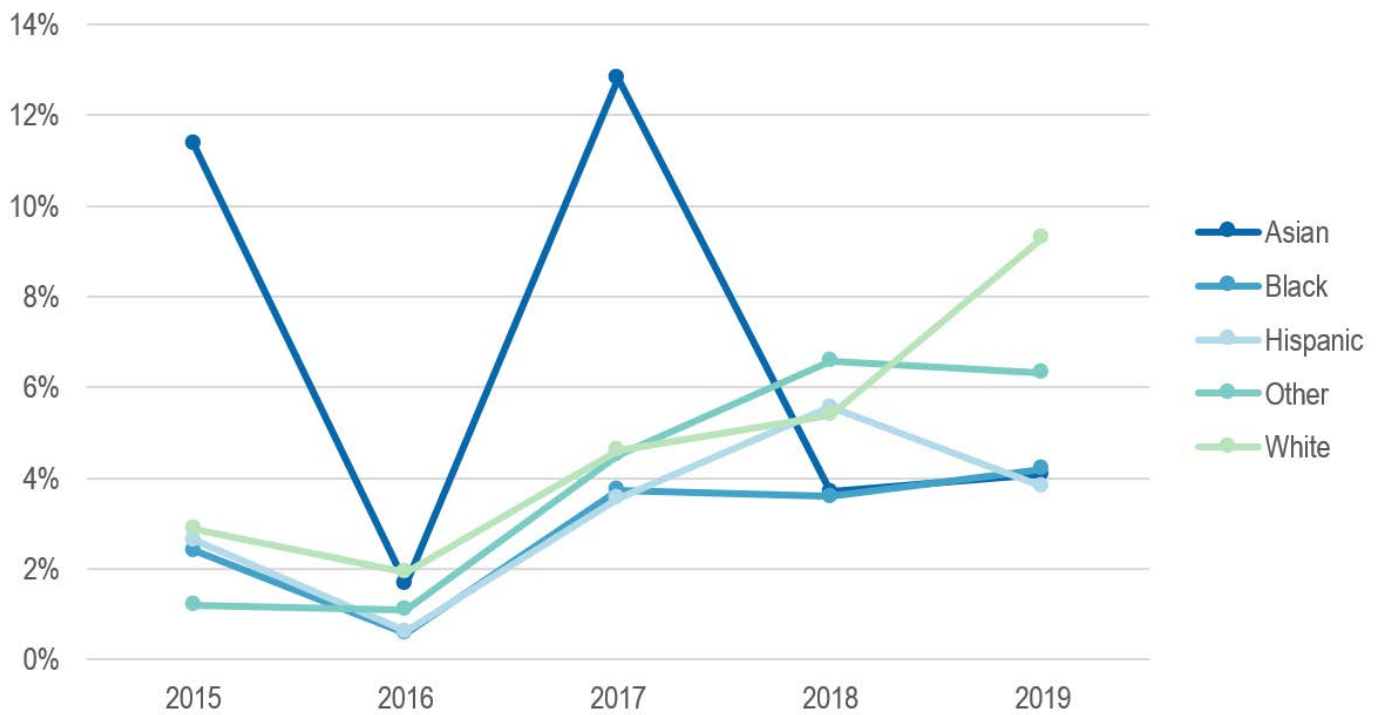
Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Percentage of Searches that Resulted in a Warning by Race, 2015-2019



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

Percentage of Searches that Resulted in No Enforcement by Race, 2015-2019



Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

## Appendix E. Responses by Units, 2015-2019

|                                   | 2015   | 2016   | 2017   | 2018   | 2019   | Total  |
|-----------------------------------|--------|--------|--------|--------|--------|--------|
| Patrol Officers                   |        |        |        |        |        |        |
| Reserve Officers                  | 993    | 651    | 615    | 208    | 638    | 3,105  |
| Team 1                            | 14,053 | 13,614 | 14,128 | 13,395 | 12,823 | 68,013 |
| Team 2                            | 11,417 | 12,084 | 12,928 | 12,219 | 12,125 | 60,773 |
| Team 3                            | 14,876 | 13,563 | 14,708 | 13,905 | 13,633 | 70,685 |
| Team 4                            | 14,136 | 16,764 | 16,452 | 15,240 | 13,975 | 76,567 |
| Team 5                            | 15,510 | 15,926 | 15,909 | 15,236 | 14,840 | 77,421 |
| Team 6                            | 14,301 | 16,347 | 15,590 | 12,314 | 13,583 | 72,135 |
| Team 7                            | 20,180 | 20,290 | 21,036 | 18,680 | 18,671 | 98,857 |
| Patrol Supervisors                |        |        |        |        |        |        |
| Captain                           | 38     | 26     | 34     | 20     | 17     | 135    |
| Lieutenant                        | 773    | 794    | 788    | 1,344  | 1,207  | 4,906  |
| Sergeant                          | 8,612  | 8,049  | 8,617  | 7,537  | 7,600  | 40,415 |
| Other Units                       |        |        |        |        |        |        |
| Animal Control                    | 0      | 2      | 1      | 1      | 0      | 4      |
| Area Coordinators                 | 386    | 273    | 357    | 258    | 1,015  | 2,289  |
| Bike Unit                         | 3,536  | 2,596  | 2,178  | 0      | 0      | 8,310  |
| CSOs                              | 0      | 1      | 1      | 1      | 3      | 6      |
| Crime Scene Techs                 | 1,551  | 1,523  | 1,497  | 929    | 680    | 6,180  |
| Mobile Crisis                     | 967    | 1,156  | 1,185  | 787    | 816    | 4,911  |
| Motor Unit                        | 136    | 57     | 3      | 0      | 0      | 196    |
| Parking Enforcement Officers      | 1,479  | 2,143  | 2,388  | 2,587  | 2,707  | 11,304 |
| Police Aides                      | 0      | 0      | 0      | 0      | 1      | 1      |
| Special Enforcement               | 8      | 2      | 4      | 0      | 6      | 20     |
| University of California Officers | 22     | 23     | 12     | 5      | 6      | 68     |
| Sworn Non-Patrol Officers         | 8,577  | 7,744  | 8,189  | 6,202  | 9,945  | 40,657 |

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

## Appendix F. List of Terms Applied in Narrative Search

| Mental Health Search Terms |                   |
|----------------------------|-------------------|
| 1056                       | mania             |
| 5150                       | manic             |
| sees things                | mct               |
| antipsychotic              | medication        |
| anxiety                    | meds              |
| bacs                       | mental            |
| bipolar                    | mh                |
| bmh                        | mobile crisis     |
| bonita house               | nervous breakdown |
| breakdown                  | paranoi           |
| case manager               | peer support      |
| counsel                    | pharmacist        |
| crazy                      | psych             |
| crisis                     | ptsd              |
| deliri                     | residential care  |
| deluded                    | schizo            |
| delusion                   | seeing things     |
| dementia                   | self harm         |
| depress                    | self talk         |
| disorder                   | social worker     |
| dissociat                  | suicid            |
| dual diagnosis             | talking to self   |
| first break                | talk to self      |
| hallucinat                 | therap            |
| hear voices                | trauma            |
| hearing voices             | treatment         |
| hears voices               | unable to talk    |
| ideation                   | warm line         |
| john george                | warmline          |

| Homeless Search Terms                 |
|---------------------------------------|
| bacs                                  |
| bfhp                                  |
| camped out                            |
| person down                           |
| berkeley covid respite                |
| berkeley drop in center               |
| berkeley community resource center    |
| <b>women's daytime drop-in center</b> |
| fred finch turning point              |
| berkeley food and housing project     |
| dorothy day                           |
| encamp                                |
| encampment                            |
| harrison house                        |
| homeless                              |
| homeless outreach                     |
| housing status                        |
| living on the street                  |
| nomad                                 |
| obstructing sidewalk                  |
| shelter                               |
| sleeper                               |
| street outreach                       |
| tent                                  |
| transitional housing                  |
| unhoused                              |
| pathways                              |
| vagrant                               |
| no address                            |
| no residence                          |
| undomicilized                         |

Source: Berkeley City Auditor

## Appendix G. Summary data by Call Type

| Call Type                             | 2019 Events | Total Events | Average Yearly events | Priorities Assigned in CAD | Average Personnel per Event | Median Time Spent on Event after Dispatch (Minutes and Seconds) |
|---------------------------------------|-------------|--------------|-----------------------|----------------------------|-----------------------------|-----------------------------------------------------------------|
| Alarm Classification (n = 21,318)     |             |              |                       |                            |                             |                                                                 |
| 1033A - Audible Alarm                 | 4,229       | 19,921       | 3,984                 | 0,F1,2,3                   | 1.7                         | 8:39                                                            |
| 1033G - GPS Bank Alarm                | 8           | 79           | 16                    | 0                          | 7.1                         | 8:39                                                            |
| 1033S - Silent Alarm                  | 234         | 1,314        | 263                   | 0,F1                       | 2.4                         | 8:39                                                            |
| 1033T - ETS (Bank) Pronet alarm       | 0           | 4            | 1                     | 0                          | 1                           | 7:03                                                            |
| Community Classification (n = 88,128) |             |              |                       |                            |                             |                                                                 |
| 1057 - Missing Person                 | 249         | 1,326        | 265                   | 0,F1,2,3                   | 1.5                         | 7:09                                                            |
| 1057AR - Missing At Risk              | 41          | 289          | 58                    | 0,2,3                      | 4.9                         | 7:42                                                            |
| 1057J - Missing Juvenile              | 21          | 122          | 24                    | 0                          | 5.1                         | 6:46                                                            |
| 1062B - Civil Standby                 | 150         | 822          | 164                   | 3                          | 1.8                         | 5:37                                                            |
| 1067 - Call for Help                  | 180         | 969          | 194                   | 0,F1                       | 3.4                         | 8:39                                                            |
| 1080 - Explosion                      | 2           | 9            | 2                     | 0                          | 2.8                         | 6:59                                                            |
| 1091B - Barking Dog                   | 72          | 454          | 91                    | 4                          | 1.1                         | 6:46                                                            |
| 1091E - Dog Bite                      | 16          | 101          | 20                    | F1,2                       | 1.7                         | 7:09                                                            |
| 1091V - Vicious Animal                | 13          | 101          | 20                    | 2                          | 1.8                         | 5:27                                                            |
| 415E - Noise Disturbance              | 2,709       | 15,773       | 3,155                 | F1,4                       | 1.1                         | 7:42                                                            |
| 601 - Runaway                         | 46          | 372          | 74                    | 0,3                        | 1.6                         | 6:47                                                            |
| 601I - Incurigible                    | 31          | 184          | 37                    | F1,2,3,4                   | 2.5                         | 5:51                                                            |
| 647J - Lodging in Public              | 33          | 2,221        | 444                   | F1,3,4,6                   | 1.4                         | 6:02                                                            |
| ADVICE - Advice                       | 1,729       | 8,499        | 1,700                 | F1,2,3,4                   | 1.1                         | 6:46                                                            |
| AID - Aid to Citizen                  | 1,356       | 6,065        | 1,213                 | 0,F1,2,3,4,9               | 2.1                         | 6:46                                                            |
| ANIMAL - Animal Matter                | 194         | 1,066        | 213                   | 2,4                        | 1.3                         | 6:02                                                            |
| BART - Bart Tunnel Incident           | 2           | 2            | 0                     |                            | 6.5                         | 4:23                                                            |
| BOAT-FR - Boat Fire                   | 0           | 1            | 0                     |                            | 1                           | 14:58                                                           |
| DEMO - Demonstration                  | 7           | 52           | 10                    | 9                          | 17.7                        | 5:04                                                            |
| FIRE - Structure Fire                 | 0           | 35           | 7                     | 0                          | 1.4                         | 6:46                                                            |
| FLAD - Officer flagged down           | 1,209       | 5,217        | 1,043                 | 0,F1,2,4                   | 1.6                         | 6:46                                                            |
| FNDJUV - Found Juvenile               | 10          | 74           | 15                    | 2                          | 2.5                         | 6:02                                                            |
| FNDPER - Found Person                 | 23          | 134          | 27                    | 0,F1,2                     | 1.7                         | 5:51                                                            |
| FOUND - Found Property                | 722         | 4,204        | 841                   | 0,2,3,4                    | 1.1                         | 6:47                                                            |
| ILLDMP - Illegal Dumping              | 54          | 464          | 93                    | 4,9                        | 1.1                         | 5:15                                                            |
| LDRPT - Loud Report                   | 183         | 1,071        | 214                   | 0,F1,2,3                   | 4.2                         | 8:39                                                            |
| LOST - Lost Property                  | 16          | 86           | 17                    | 4,9                        | 1.1                         | 8:27                                                            |

| Call Type                                      | 2019 Events | Total Events | Average Yearly events | Priorities Assigned in CAD | Average Personnel per Event | Median Time Spent on Event after Dispatch (Minutes and Seconds) |
|------------------------------------------------|-------------|--------------|-----------------------|----------------------------|-----------------------------|-----------------------------------------------------------------|
| SEC - Security Check                           | 3,682       | 15,268       | 3,054                 | 0,F1,2,4,9                 | 1.8                         | 6:38                                                            |
| SUSCIR - Suspicious Circumstance               | 2,145       | 11,547       | 2,309                 | 0,F1,2,3,4                 | 2.6                         | 6:47                                                            |
| SUSPER - Suspicious Person                     | 1,512       | 8,247        | 1,649                 | 0,F1,2,3                   | 2.3                         | 6:59                                                            |
| SUSVEH - Suspicious Vehicle                    | 596         | 3,353        | 671                   | 0,F1,2,3,4                 | 1.7                         | 6:46                                                            |
| FBI Part II Crimes Classification (n = 77,822) |             |              |                       |                            |                             |                                                                 |
| 1070 - Prowler                                 | 13          | 119          | 24                    | 0,3                        | 3.4                         | 7:32                                                            |
| 1079 - Bomb Threat                             | 0           | 6            | 1                     | 3                          | 4                           | 4:51                                                            |
| 10852 - Vehicle Damage                         | 303         | 1,392        | 278                   | F1,2,4                     | 1.5                         | 6:59                                                            |
| 148 - Resisting/Obstructing                    | 0           | 2            | 0                     |                            | 15.5                        | 4:52                                                            |
| 207 - Kidnapping                               | 2           | 11           | 2                     | 0,2                        | 6.7                         | 6:46                                                            |
| 23110 - Throwing Object(s) at Vehicle          | 39          | 210          | 42                    | 2,3                        | 1.4                         | 10:30                                                           |
| 23152 - DUI                                    | 72          | 484          | 97                    | 0,2,3                      | 2                           | 6:47                                                            |
| 242 - Battery                                  | 1,383       | 6,991        | 1,398                 | 0,F1,2,3                   | 3.1                         | 6:46                                                            |
| 243E1 - Domestic Violence                      | 54          | 205          | 41                    | 0,F1,2                     | 3.5                         | 6:12                                                            |
| 273 5 - Domestic Violence                      | 67          | 314          | 63                    | 0,F1,2                     | 3.8                         | 5:15                                                            |
| 273A - Child Abuse                             | 51          | 278          | 56                    | 0,2,3                      | 1.5                         | 6:22                                                            |
| 288 - Sexual molest                            | 5           | 35           | 7                     | 2,3                        | 1.7                         | 6:48                                                            |
| 300WI - Child Neglect                          | 13          | 109          | 22                    | 2,3                        | 1.9                         | 4:52                                                            |
| 314 - Indecent Exposure                        | 140         | 698          | 140                   | F1,2,4                     | 2.3                         | 6:59                                                            |
| 330 - Gambling                                 | 10          | 101          | 20                    | 4                          | 1.4                         | 8:39                                                            |
| 415 - Disturbance                              | 6,925       | 35,697       | 7,139                 | 0,F1,2,3,4                 | 2                           | 6:46                                                            |
| 415F - Family Disturbance                      | 583         | 3,254        | 651                   | 0,F1,2                     | 3.4                         | 6:02                                                            |
| 417 - Brandishing Weapon                       | 187         | 845          | 169                   | 0,F1,2,3                   | 4.8                         | 6:46                                                            |
| 4390 - Prescription Fraud                      | 2           | 12           | 2                     | 2                          | 1.8                         | 4:45                                                            |
| 470 - Forgery                                  | 28          | 265          | 53                    | 2,3                        | 1.6                         | 7:30                                                            |
| 496 - Poss. Stolen Prop.                       | 11          | 50           | 10                    | 3,4                        | 1.7                         | 8:39                                                            |
| 530 5 - Identity Theft                         | 175         | 1,112        | 222                   | 4                          | 1.1                         | 8:27                                                            |
| 537 0 Defrauding Innkeeper (Hotel/ Restaurant) | 28          | 179          | 36                    | 2,4                        | 2                           | 5:51                                                            |
| 594 - Vandalism                                | 330         | 1,939        | 388                   | 0,F1,2,4                   | 1.7                         | 6:59                                                            |
| 597 - Cruelty to Animals                       | 23          | 160          | 32                    | F1,2,3                     | 1.8                         | 7:32                                                            |
| 602L - Trespassing                             | 1,944       | 11,058       | 2,212                 | F1,2,3,4                   | 1.5                         | 6:46                                                            |



| Call Type                                                | 2019 Events | Total Events | Average Yearly events | Priorities Assigned in CADK | Average Personnel per Event | Median Time Spent on Event after Dispatch (Minutes and Seconds) |
|----------------------------------------------------------|-------------|--------------|-----------------------|-----------------------------|-----------------------------|-----------------------------------------------------------------|
| 647AB - Prostitution                                     | 2           | 15           | 3                     | 4                           | 1.5                         | 1:45                                                            |
| 647F - Intoxicated in Public                             | 146         | 1,018        | 204                   | 0,F1,2,3,4                  | 1.9                         | 6:46                                                            |
| 653M - Harrassing Phone Calls                            | 132         | 969          | 194                   | 4                           | 1.1                         | 6:47                                                            |
| BMCVIO - Berkeley Municipal Code                         | 1,014       | 5,934        | 1,187                 | F1,2,4,5                    | 1.2                         | 6:46                                                            |
| BPVIO - Business & Professions                           | 18          | 101          | 20                    | 6                           | 1.1                         | 9:01                                                            |
| CRTRPT - Court Order Violation                           | 12          | 98           | 20                    | 4                           | 1.2                         | 7:15                                                            |
| CRTVIO - Court Order Violation                           | 58          | 262          | 52                    | 0,2,3                       | 1.7                         | 7:54                                                            |
| DRUGS - Drugs Inv.                                       | 184         | 1,440        | 288                   | 0,F1,2,3,4                  | 1.6                         | 6:46                                                            |
| FOOT - Foot Chase                                        | 6           | 46           | 9                     | 0                           | 4.3                         | 6:46                                                            |
| GUN - Person with Gun                                    | 50          | 237          | 47                    | 0,F1,2                      | 8.3                         | 6:46                                                            |
| HATE - Hate Crime                                        | 4           | 34           | 7                     | 2,3                         | 1.3                         | 8:39                                                            |
| PCVIO - Misc Penal Code Violation                        | 450         | 1,539        | 308                   | 0,F1,2,3,4                  | 1.3                         | 6:47                                                            |
| REG- Registration for certain criminal                   | 1           | 2            | 0                     |                             | 1                           | 16:04                                                           |
| TROV - Temporary Restraining Order                       | 140         | 601          | 120                   | 0,F1,4                      | 2.5                         | 6:15                                                            |
| Information/ Administrative Classification (n = 12,437)  |             |              |                       |                             |                             |                                                                 |
| CM - City Manager Report                                 | 5           | 18           | 4                     | 9                           | 2.3                         | 6:40                                                            |
| DAMAGE - Property Damage                                 | 60          | 234          | 47                    | 0,F1,2,9                    | 2                           | 6:46                                                            |
| FADEST - Firearm Destruction                             | 37          | 205          | 41                    | 3                           | 1.1                         | 10:07                                                           |
| FALL - Fall on City Prop.                                | 181         | 965          | 193                   | F1,2,3                      | 1.5                         | 6:59                                                            |
| INFO - Information                                       | 205         | 1,096        | 219                   | 0,2,9                       | 2.1                         | 6:46                                                            |
| REPO - Repossession                                      | 0           | 4            | 1                     |                             | 1.2                         | 4:51                                                            |
| SUBP - Subpoena Service                                  | 2           | 14           | 3                     | 9                           | 1                           | 6:46                                                            |
| TROL - Temporary Restraining Order                       | 1           | 2            | 0                     |                             | 1.5                         | 8:27                                                            |
| W911 - Wireless 911                                      | 2,830       | 9,899        | 1,980                 | F1,2                        | 1.1                         | 6:46                                                            |
| Investigative or Operational Classification (n = 10,351) |             |              |                       |                             |                             |                                                                 |
| 1198- Code 1 assist                                      | 91          | 436          | 87                    | 0,F1,2                      | 4.4                         | 6:46                                                            |
| A911 - Ascertain 911                                     | 995         | 6,859        | 1,372                 | 0,F1,2                      | 1.5                         | 8:39                                                            |

| Call Type                                                      | 2019 Events | Total Events | Average Yearly events | Priorities Assigned in CAD | Average Personnel per Event | Median Time Spent on Event after Dispatch (Minutes and Seconds) |
|----------------------------------------------------------------|-------------|--------------|-----------------------|----------------------------|-----------------------------|-----------------------------------------------------------------|
| KNOCK - Knock & Talk                                           | 73          | 463          | 93                    | 0                          | 2.1                         | 6:12                                                            |
| LJ - LoJack Incident                                           | 36          | 96           | 19                    | 2                          | 3.9                         | 6:50                                                            |
| OUTAID- Outside Agency Assist                                  | 287         | 1,420        | 284                   | 0,F1,2,3                   | 1.8                         | 5:37                                                            |
| SEARCH - Search Warrant                                        | 30          | 408          | 82                    | 3                          | 8.9                         | 5:39                                                            |
| SURVE - Surveillance                                           | 15          | 78           | 16                    | 9                          | 4.1                         | 5:42                                                            |
| UNK - Unknown Problem                                          | 44          | 322          | 64                    | 0,F1,2                     | 3                           | 6:46                                                            |
| WARARR - Warrant Arrest                                        | 65          | 269          | 54                    | 0,2,3,6                    | 2.1                         | 7:37                                                            |
| Medical or Mental Health Classification (n = 22,797)           |             |              |                       |                            |                             |                                                                 |
| 1042 - Welfare Check                                           | 3,065       | 15,030       | 3,006                 | 0,F1,2                     | 1.9                         | 6:46                                                            |
| 1053 - Person Down                                             | 255         | 1,450        | 290                   | 0,F1                       | 2.1                         | 8:39                                                            |
| 1056 - Suicide                                                 | 277         | 1,113        | 223                   | 0,F1,2                     | 3.6                         | 6:24                                                            |
| 5150 - Mental Illness                                          | 827         | 4,807        | 961                   | 0,F1,2,3                   | 2.4                         | 6:46                                                            |
| DBF - Dead Body                                                | 97          | 397          | 79                    | 0,F1                       | 3.3                         | 5:51                                                            |
| Property Crime (FBI Part I Crimes) Classification (n = 26,421) |             |              |                       |                            |                             |                                                                 |
| 10851 - Stolen Vehicle                                         | 631         | 3,639        | 728                   | 0,2,3                      | 1.3                         | 9:02                                                            |
| 10855 - Embezzled Vehicle                                      | 18          | 68           | 14                    | 4                          | 1.1                         | 8:39                                                            |
| 212 5 - Residential Robbery                                    | 1           | 5            | 1                     | 0                          | 7.4                         | 5:51                                                            |
| 451 - Arson                                                    | 37          | 134          | 27                    | 0,F1,3                     | 2.9                         | 5:28                                                            |
| 459 - Burglary                                                 | 597         | 3,911        | 782                   | 0,F1,2,3                   | 2.1                         | 7:32                                                            |
| 459A - Auto Burglary                                           | 1,590       | 6,667        | 1,333                 | 0,F1,2,3                   | 1.5                         | 6:47                                                            |
| 484 - Theft                                                    | 2,161       | 10,556       | 2,111                 | 0,F1,2,3,4                 | 1.7                         | 6:59                                                            |
| 484C - Theft In-Custody                                        | 72          | 407          | 81                    | 0,F1,2                     | 1.9                         | 6:59                                                            |
| 487 - Grand Theft                                              | 299         | 1,034        | 207                   | 2,4                        | 1.9                         | 6:59                                                            |
| Traffic Classification (n = 98,503)                            |             |              |                       |                            |                             |                                                                 |
| 1124 - Abandoned Vehicle                                       | 524         | 2,393        | 479                   | 3,4                        | 1.1                         | 6:46                                                            |
| 1148 - Transportation                                          | 255         | 623          | 125                   | 3                          | 1.9                         | 3:40                                                            |
| 1181 - Minor Injuries                                          | 478         | 2,635        | 527                   | 0,F1,2,3                   | 3.4                         | 6:24                                                            |
| 1182 - Non Injury                                              | 496         | 2,819        | 564                   | 0,F1,2,3,4                 | 1.6                         | 6:46                                                            |
| 1183 - Unknown Injuries                                        | 200         | 1,261        | 252                   | 0,F1,2,3                   | 3                           | 6:59                                                            |
| 1194 - Pedestrian Stop                                         | 1,739       | 9,157        | 1,831                 | 0,F1,2,4                   | 1.8                         | 8:39                                                            |
| 1194B - Bike Stop                                              | 442         | 2,784        | 557                   | 0                          | 1.6                         | 8:39                                                            |
| 1196 - Suspicious Vehicle                                      | 859         | 4,360        | 872                   | 0,F1,2                     | 2                           | 6:46                                                            |

| Call Type                                                    | 2019 Events | Total Events | Average Yearly events | Priorities Assigned in CAD | Average Personnel per Event | Median Time Spent on Event after Dispatch (Minutes and Seconds) |
|--------------------------------------------------------------|-------------|--------------|-----------------------|----------------------------|-----------------------------|-----------------------------------------------------------------|
| 20001 - Hit & Run Injuries                                   | 74          | 330          | 66                    | 0,F1,2,3                   | 3.3                         | 6:46                                                            |
| 20002 - Hit & Run Prop.                                      | 917         | 4,562        | 912                   | 0,F1,2,3                   | 1.6                         | 7:09                                                            |
| 23103 - Reckless Vehicle                                     | 553         | 2,894        | 579                   | 2                          | 1.3                         | 8:39                                                            |
| 23109 - Exhibition of Speed                                  | 49          | 220          | 44                    | 2                          | 1.2                         | 6:46                                                            |
| HOT - Vehicle Pursuit                                        | 0           | 2            | 0                     | 0                          | 4                           | 2:30                                                            |
| PRKVIO - Parking Violation                                   | 2,797       | 13,613       | 2,723                 | 0,F1,2,4                   | 1.1                         | 4:52                                                            |
| RECOVR - Stolen Vehicle Recovery                             | 215         | 1,326        | 265                   | 0,2,3                      | 1.5                         | 8:51                                                            |
| T - Traffic Stop                                             | 9,130       | 44,797       | 8,959                 | 0,F1,2                     | 1.5                         | 6:46                                                            |
| TRFHAZ - Traffic Hazard                                      | 799         | 3,734        | 747                   | 0,F1,2,3                   | 1.3                         | 6:46                                                            |
| VCVIO - Vehicle Violation                                    | 266         | 864          | 173                   | 3,4                        | 1.1                         | 5:27                                                            |
| VEHACC - Vehicle Accident                                    | 0           | 1            | 0                     |                            | 1                           | 7:54                                                            |
| VREL - Vehicle Release                                       | 0           | 1            | 0                     |                            | 2                           | 10:30                                                           |
| VVER - VIN Verification                                      | 15          | 127          | 25                    | 4                          | 1.1                         | 4:51                                                            |
| Violent Crime (FBI Part I Crimes) Classification (n = 2,465) |             |              |                       |                            |                             |                                                                 |
| 1071 - Shooting                                              | 8           | 24           | 5                     | 0,2                        | 11.4                        | 6:46                                                            |
| 211 - Robbery                                                | 341         | 1,571        | 314                   | 0,F1,2,3                   | 5.8                         | 6:12                                                            |
| 215 - Carjacking                                             | 14          | 40           | 8                     | 0,F1,2                     | 7                           | 4:34                                                            |
| 220 - Sexual Assault                                         | 1           | 16           | 3                     | 0,2                        | 2.4                         | 4:51                                                            |
| 243 - Serious Battery                                        | 5           | 63           | 13                    | 0,2                        | 3                           | 6:46                                                            |
| 244 - Assault w/ Caustic Substance                           | 13          | 47           | 9                     | 0,2                        | 3.3                         | 5:31                                                            |
| 245 - Assault w/Deadly Weapon                                | 74          | 383          | 77                    | 0,F1,2,3                   | 5.3                         | 6:12                                                            |
| 246 - Shots at Dwelling                                      | 8           | 44           | 9                     | 0,2                        | 2.8                         | 5:15                                                            |
| 261 - Rape                                                   | 55          | 267          | 53                    | 0,2                        | 2.5                         | 5:55                                                            |
| 288A - Child molest                                          | 2           | 10           | 2                     | 2                          | 1.9                         | 11:16                                                           |

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data

**Mission Statement**

Promoting transparency and accountability in Berkeley government.

**Audit Team**

Erin Mullin, Senior Auditor  
Caitlin Palmer, Senior Auditor  
Tracy Yarlott-Davis, Auditor II (Former)  
Alejandra Barrio Gorski, Auditor I

**City Auditor**

Jenny Wong

**Office of the City Auditor**

**Phone:** (510) 981-6750

**Email:** [auditor@cityofberkeley.info](mailto:auditor@cityofberkeley.info)

**Website:** [www.cityofberkeley.info/auditor](http://www.cityofberkeley.info/auditor)

Photographs provided by Berkeley Police Department

Copies of our audit reports are available at  
[www.cityofberkeley.info/Auditor/Home/Audit\\_Reports.aspx](http://www.cityofberkeley.info/Auditor/Home/Audit_Reports.aspx)



BERKELEY CITY AUDITOR

# Análisis de la Respuesta Policial de la Ciudad de Berkeley

## Características Destacadas del Reportaje

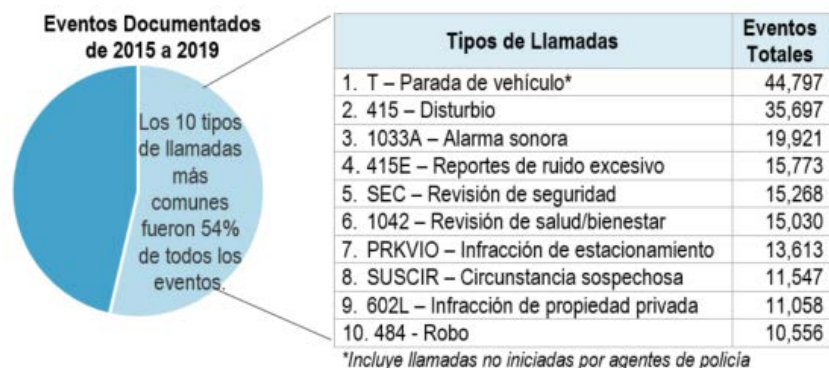
22 de abril de 2021



### Hallazgos

- Desde el año 2015 al año 2019, oficiales de la policía de Berkeley respondieron a un promedio de 72,048 eventos por año.
- Diez tipos de llamadas fueron el 54 por ciento de todos los eventos: parada de vehículo, disturbio, alarma sonora, reportes de ruido excesivo, revisión de seguridad, revisión de salud/bienestar, infracción de estacionamiento, circunstancia sospechosa, infracción de propiedad privada, y robo.

### Los 10 Tipos de Llamadas más comunes para eventos, 2015-2019



Fuente: Análisis de datos del sistema de solicitudes de asistencia policial (Computer Aided Dispatch) del departamento de Policía de Berkeley.

- Acciones iniciadas por agentes policiales fueron 27 por ciento de los eventos documentados, mientras 55 por ciento fueron el resultado de llamadas a la línea de no-emergencia y 18 por ciento fueron el resultado de llamadas al número de emergencia (911).
- Encontramos que la mayoría, 78 por ciento, de paradas de tráfico iniciadas por la policía fueron paradas de vehículo, y la mayoría ocurrieron entre las horas de 9:00pm a 12:00am. La mayoría de las paradas de tráfico no resultaron en un cateo, y la mayoría de paradas resultaron en una advertencia.
- Eventos con un nivel de prioridad de 0 a 2, cuales requieren que personal se manden dentro de 20 minutos después de la llamada, fueron 56 por ciento de todos los eventos. Cuarenta y cuatro por ciento de eventos tuvieron un nivel de prioridad

### Objetivos

1. ¿Cuáles son las características de las llamadas de asistencia a las que responde la policía de Berkeley?
2. ¿Cuáles son las características de paradas de tráfico iniciadas por oficiales de la Policía de Berkeley?
3. ¿Cuánto tiempo dedican los oficiales de la policía en responder a llamadas de asistencia?
4. ¿Cuántas llamadas de asistencia son relacionadas a situaciones de salud mental o la falta de vivienda?
5. ¿Puede la Ciudad mejorar la transparencia de llamadas a la policía a través el Portal de Datos Abiertos en línea (Open Data Portal) de la Ciudad de Berkeley?

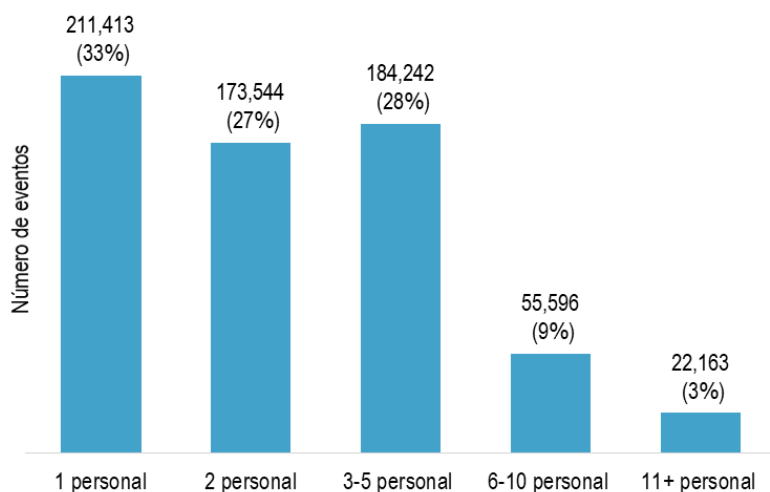
### Por Qué es Importante Esta Auditoría

Debido al asesinato de George Floyd por oficiales de la policía de Minneapolis en mayo 2020, y manifestaciones posteriores en todo el país, se generó una conversación al nivel nacional sobre la actuación y vigilancia policial. El consejo municipal de la Ciudad de Berkeley inició un proceso comunitario robusto para reimaginar la actuación policial en Berkeley, y aprobó una propuesta solicitando el análisis de datos sobre respuestas policiales. Este reportaje ofrece un resumen amplio para la administración y el público en general sobre llamadas de asistencia, paradas de tráfico iniciadas por oficiales de la policía, y la respuesta policial, para informar el conjunto participativo de la comunidad que consta del trabajo para reimaginar la actuación policial en Berkeley.

más bajo, requiriendo que personal fueran mandados dentro de una hora a 90 minutos después de la llamada inicial.

- Reiterando hallazgos previos por el Centro de Actuación Policial Equitativa (Center for Policing Equity), que fueron basados en datos hasta el año 2016, nuestro análisis mostró que la policía paró a gente afroamericana a un nivel significativamente más alto que la representación general de la población (34 por ciento comparado a 8 por ciento), y que fueron más altas las probabilidades de que la policía hiciera una cateo a personas afroamericanas e hispanas durante una parada de tráfico.
- El departamento de policía despachó por promedio a 1.8 agentes policiales por cada evento. En 40 por ciento de eventos, el Centro de Telecomunicación del Departamento de Policía despachó tres o más personal, incluyendo policía y personal no policiales.

### Cantidad de respuestas de personal por cada evento, 2015-2019



Fuente: Análisis de datos del sistema de solicitudes de asistencia policial (Computer Aided Dispatch) del departamento de Policía de Berkeley.

- La cantidad de eventos que incluyen situaciones de salud mental o la falta de vivienda, y el tiempo que la policía toma para responder a estos eventos, no es cuantificable debido a falta de datos.
- El Portal de Datos Abiertos en línea (Open Data Portal) de la Ciudad de Berkeley proporciona información limitada al público sobre los eventos a los que responde la policía de Berkeley. Hay oportunidades para que el Departamento de Policía mejore la transparencia al aumentar el tipo y el alcance de los datos disponibles en el portal.

## Recomendaciones

Recomendamos que el Departamento de Policía de Berkeley identifique todas las llamadas de asistencia que tengan un componente aparente de salud mental y/o falta de vivienda. También recomendamos que el Departamento de Policía de Berkeley amplíe los datos de llamadas de asistencia disponibles en el Portal de Datos Abiertos de la Ciudad para incluir todos los tipos de llamadas de asistencia, y los otros variables del sistema de solicitudes de asistencia policial, durante tantos años como sea posible.

La auditoría no propone recomendaciones con respecto a las actividades policiales o la asignación de personal. Existe un proceso comunitario continuo y separado para reinventar la seguridad pública y la actuación en la Ciudad de Berkeley.



BERKELEY CITY AUDITOR

Traducido por Alejandra Barrio Gorski

Para leer el reportaje completo en inglés, visite:

<http://www.cityofberkeley.info/auditor>





Office of the Mayor

CONSENT CALENDAR  
May 11, 2021

To: Honorable Members of the City Council  
 From: Mayor Jesse Arreguín  
 Subject: Support of AB 550 – Speed Safety Cameras

RECOMMENDATION

Adopt a Resolution in support of AB 550 (Chiu), which would establish guidelines to pilot speed safety programs on dangerous local streets and active state or local work zones, and requesting that Berkeley be included as one of the pilot cities in the bill. Send a copy of the Resolution to Assemblymembers David Chiu and Buffy Wicks, State Senator Nancy Skinner and Governor Gavin Newsom.

BACKGROUND

Approximately one third of traffic related deaths are a result of speeding according to the National Traffic Safety Board. In the Bay Area, over 400 fatalities and 2,000 serious injuries occur annually. In 2020, COVID-19 restrictions led to a 13% drop in vehicle miles driven across the country, but empty roads lead to an increase in speeding resulting in the mileage death rate increasing by 24%.

Cities across the country have been moving forward with developing Vision Zero policies. In 2018, the Berkeley City Council set a goal of eliminating transportation related fatalities and serious injuries by 2028. The Vision Zero Task Force was created to develop policies to achieve this goal, which Council approved under the Vision Zero Action Plan in March 2020. Berkeley is also looking into alternate ways to address traffic enforcement, including the proposed creation of BerkDOT which would remove the Berkeley Police Department from traffic enforcement. Traditional enforcement methods have a well-documented disparate impact on communities of color and implicit or explicit racial bias in police traffic stops puts drivers of color at risk.

An international study cited by the Insurance Institute for Highway Safety found that the presence of automated speed enforcement reduced the share of vehicles traveling above the speed limit from 14% to 65% and reduced the risk of crashes resulting in injury or fatality from 11% to 44%. AB 550 directs the Secretary of California State Transportation Agency to bring together a stakeholder working group to establish program guidelines for piloting speed safety programs involving speed cameras. These programs have a series of requirements, including requiring local jurisdictions to adopt a policy setting out clear restrictions on the use of data and provisions to protect, retain, and dispose of that data. Berkeley became the first city in California to adopt a surveillance ordinance in 2018. Data from the cameras cannot be used for any other

purpose or be disclosed to any other person or agency except as required by law or in response to a court order or subpoena. Facial recognition technology would be prohibited. Fines would be capped at \$125, would be a civil citation instead of criminal (will not result in a point deducted on a driver's record) and jurisdictions must offer a low-income driver diversion program with specified alternative remedies in lieu of payment and reduced fines for qualifying individuals.

#### FINANCIAL IMPLICATIONS

None

#### ENVIRONMENTAL SUSTAINABILITY

Transportation emissions account for approximately 60% of Berkeley's greenhouse gas emissions. Improving traffic conditions for pedestrians and bicyclists will promote the use of alternative forms of transportation, reducing commuter carbon footprints.

#### CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

#### Attachments:

- 1: Resolution
- 2: Text of AB 550
- 3: AB 550 Factsheet



RESOLUTION NO. ##,###-N.S.

IN SUPPORT OF AB 550

WHEREAS, annually over 400 fatalities and 2,000 serious injuries occur from traffic related incidents in the Bay Area, with approximately one third of traffic related deaths resulting from speeding according to the National Traffic Safety Board; and

WHEREAS, in 2020, COVID-19 restrictions led to a 13% drop in vehicle miles driven across the country, but empty roads lead to an increase in speeding, with the mileage death rate increasing by 24%; and

WHEREAS, in 2018, the Berkeley City Council set a goal of eliminating transportation related fatalities and serious injuries by 2028, establishing the Vision Zero Task Force tasked with developing policies to achieve this goal, which the Council approved under the Vision Zero Action Plan in March 2020; and

WHEREAS, traditional traffic enforcement methods by police departments have well documented disparate impact on communities of color, and implicit or explicit racial bias in police traffic stops puts drivers of color at risk.; and

WHEREAS, Berkeley is looking at the creation of BerkDOT as an alternate way of traffic enforcement; and

WHEREAS, an international study cited by the Insurance Institute for Highway Safety found that the presence of automated speed enforcement reduced the share of vehicles traveling above the speed limit from 14% to 65% and reduced the risk of crashes resulting in injury or fatality from 11% to 44%; and

WHEREAS, AB 550 directs the Secretary of California State Transportation Agency to bring together a stakeholder working group to establish program guidelines for piloting speed safety programs involving speed cameras; and

WHEREAS, such programs would have specific criteria to address concerns around privacy, such as a prohibition on facial recognition technology and requiring jurisdictions to adopt a policy setting out clear restrictions on the use of data and provisions to protect, retain, and dispose of that data,

WHEREAS, the bill also requires such program to have an equity component, capping fees at \$125 and offering a low-income driver diversion program with specified alternative remedies in lieu of payment and reduced fines for qualifying individuals.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby supports AB 550, and requests that Berkeley be included as one of the pilot cities in the bill.

BE IT FURTHER RESOLVED that copies of the Resolution be sent to Assemblymembers David Chiu and Buffy Wicks, State Senator Nancy Skinner, and Governor Gavin Newsom.

AMENDED IN ASSEMBLY APRIL 15, 2021

AMENDED IN ASSEMBLY MARCH 22, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 550**

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**Introduced by Assembly Member Chiu**  
(Principal coauthor: Senator Wiener)  
**(Coauthors: Assembly Members Ting and Wicks)**

February 10, 2021

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An act to *amend, repeal, and add Section 70615 of the Government Code, and to add and repeal Article 3 (commencing with Section 22425) of Chapter 7 of Division 11 of the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

AB 550, as amended, Chiu. Vehicles: ~~speed safety system pilot program.~~ *Speed Safety System Pilot Program.*

Existing law establishes a basic speed law that prohibits a person from driving a vehicle upon a highway at a speed greater than is reasonable or prudent given the weather, visibility, traffic, and highway conditions, and in no event at a speed that endangers the safety of persons or property.

~~This bill would require the Secretary of Transportation to, on or before July 1, 2022, develop and adopt guidelines for the implementation of pilot programs that, in the judgment of the secretary, are designed to promote the safe operation of vehicles and the reduction of speed-related fatalities and injuries by authorizing the limited use of speed safety systems, as defined. In developing the guidelines, the bill would require the secretary to, among other things, consult with certain entities, including the Department of Transportation and local governments, and~~

~~work collaboratively with privacy stakeholders to consider and adopt guidelines regarding privacy and use of data, as specified. The bill would require the secretary to post the final adopted guidelines on the Transportation Agency's internet website and submit the guidelines to the appropriate policy committees of the Legislature.~~

~~The bill would authorize the Department of Transportation and a local department of transportation to, 30 days after the submission of the guidelines to the appropriate policy committees of the Legislature, establish and implement a pilot program using speed safety systems as long as the program meets specified requirements, including that the program policies comply with the guidelines adopted by the secretary. The bill would require the Department of Transportation and local departments of transportation that establish a pilot program under these provisions to submit an evaluation report to the appropriate committees of the Legislature within 2 years from the date the pilot program commences and annually thereafter. The bill would repeal its provisions on January 1, 2027.~~

*This bill would authorize, until January 1, 2027, the Cities of Los Angeles, Oakland, San Jose, two other cities in southern California, and the City and County of San Francisco to establish the Speed Safety System Pilot Program for speed limit enforcement in certain areas, if the system meets specified requirements, including that the presence of a fixed or mobile system is clearly identified. The bill would require the participating cities or city and county to adopt a Speed Safety System Use Policy and a Speed Safety System Impact Report before implementing the program, and would require the city or city and county to engage in a public information campaign at least 30 days before implementation of the program, including information relating to when the systems would begin detecting violations and where the systems would be utilized. The bill would require the participating cities or city and county to issue warning notices rather than notices of violations for violations detected within the first 30 calendar days of the program. The bill would require the participating cities or city and county to develop uniform guidelines for, among other things, the processing and storage of confidential information. The bill would designate all photographic, video, or other visual or administrative records made by a system as confidential, and would only authorize public agencies to use and allow access to these records for specified purposes.*

*This bill would specify that any violation of a speed law recorded by a speed safety system authorized by these provisions would be subject*

*only to the provided civil penalties. The bill would, among other things, provide for the issuance of a notice of violation, an initial review, an administrative hearing, and an appeals process, as specified, for a violation under this program. The bill would require any program created pursuant to these provisions to offer a diversion program for indigent speed safety system violation recipients, as specified. The bill would require a city or city and county participating in the pilot program to submit reports to the Legislature, as specified, to evaluate the speed safety system to determine the system's impact on street safety and economic impact on the communities where the system is utilized.*

*Existing law establishes a \$25 filing fee for specified appeals and petitions.*

*This bill would require a \$25 filing fee for an appeal challenging a notice of violation issued as a result of a speed safety system until January 1, 2027.*

*This bill would make legislative findings and declarations as to the necessity of a special statute for the Cities of Los Angeles, Oakland, San Jose, and the City and County of San Francisco.*

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Speed is a major factor in traffic collisions that result in
- 4 fatalities or injuries.
- 5 (b) State and local agencies employ a variety of methods to
- 6 reduce speeding, including traffic engineering, education, and
- 7 enforcement.
- 8 (c) Traffic speed enforcement is critical to efforts in California
- 9 to reduce factors that contribute to traffic collisions that result in
- 10 fatalities or injuries.

1 (d) However, traditional enforcement methods have had a  
2 well-documented disparate impact on communities of color, and  
3 implicit or explicit racial bias in police traffic stops puts drivers  
4 of color at risk.

5 (e) Additional tools, including speed safety systems, are  
6 available to assist cities and the state in addressing excessive  
7 speeding and speed-related crashes.

8 (f) Speed safety systems offer a high rate of detection, and, in  
9 conjunction with education and traffic engineering, can  
10 significantly reduce speeding, improve traffic safety, and prevent  
11 traffic-related fatalities and injuries, including roadway worker  
12 fatalities.

13 (g) Multiple speed safety system programs implemented in other  
14 states and cities outside of California have proven successful in  
15 reducing speeding and addressing traffic safety concerns.

16 (h) The Transportation Agency's "CalSTA Report of Findings:  
17 AB 2363 Zero Traffic Fatalities Task Force," issued in January  
18 2020, concluded that international and domestic studies show that  
19 speed safety systems are an effective countermeasure to speeding  
20 that can deliver meaningful safety improvements, and identified  
21 several policy considerations that speed safety system program  
22 guidelines could consider.

23 (i) In a 2017 study, the National Transportation Safety Board  
24 (NTSB) analyzed studies of speed safety system programs, and  
25 found they offered significant safety improvements in the forms  
26 of reduction in mean speeds, reduction in the likelihood of speeding  
27 more than 10 miles per hour over the posted speed limit, and  
28 reduction in the likelihood that a crash involved a severe injury or  
29 fatality. The same study recommended that all states remove  
30 obstacles to speed safety system programs to increase the use of  
31 this proven approach, and notes that programs should be explicitly  
32 authorized by state legislation without operational and location  
33 restrictions.

34 (j) The National Highway Traffic Safety Administration  
35 (NHTSA) gives speed safety systems the maximum 5-star  
36 effectiveness rating. NHTSA issued speed enforcement camera  
37 systems operational guidelines in 2008, and is expected to release  
38 revised guidelines in 2021 that should further inform the  
39 development of state guidelines.

1 (k) Speed safety systems can advance equity by improving  
2 reliability and fairness in traffic enforcement while making  
3 speeding enforcement more predictable, effective, and broadly  
4 implemented, all of which helps change driver behavior.

5 (l) Enforcing speed limits using speed safety systems on streets  
6 and in highway work zones where speeding drivers create  
7 dangerous roadway environments is a reliable and cost-effective  
8 means to prevent further fatalities and injuries.

9 ~~SEC. 2. Article 3 (commencing with Section 22425) is added~~  
10 ~~to Chapter 7 of Division 11 of the Vehicle Code, to read:~~

11  
12 ~~Article 3. Speed Safety Systems Pilot Program~~

13  
14 ~~22425. As used in this article, the following definitions shall~~  
15 ~~apply:~~

16 (a) ~~“Individual with low income” means an individual with a~~  
17 ~~household income less than 125 percent of the federal poverty~~  
18 ~~level or who receives CalFresh benefits, Supplemental Security~~  
19 ~~Income (SSI), or Medi-Cal benefits.~~

20 (b) ~~“Local department of transportation” means a city, county,~~  
21 ~~or city and county’s department of transportation or, if a city or~~  
22 ~~county does not have a department of transportation, the city or~~  
23 ~~county administrative division, including, but not limited to, a~~  
24 ~~public works department that administers the city’s or county’s~~  
25 ~~transportation and traffic matters under this code.~~

26 (c) ~~“Public safety vehicle” means an authorized emergency~~  
27 ~~vehicle, as defined in Section 165.~~

28 (d) ~~“Speed safety system” means a fixed or mobile radar or laser~~  
29 ~~system or any other electronic device that utilizes automated~~  
30 ~~equipment to detect a violation of speeding laws and is designed~~  
31 ~~to obtain a clear photograph, video recording, or other visual image~~  
32 ~~of a vehicle license plate.~~

33 (e) ~~“Work zone” means a highway construction or maintenance~~  
34 ~~area, during any time when traffic is regulated or restricted through~~  
35 ~~or around that area pursuant to Section 21367.~~

36 ~~22426. (a) On or before July 1, 2022, the Secretary of~~  
37 ~~Transportation shall develop and adopt guidelines for the~~  
38 ~~implementation of the pilot programs described in Section 22427~~  
39 ~~that, in the judgment of the secretary, are designed to promote the~~  
40 ~~safe operation of vehicles and the reduction of speed-related~~

AB 550

— 6 —

1 fatalities and injuries by authorizing the limited use of speed safety  
2 systems. The secretary shall convene at least two public workshops  
3 to receive and consider public comments regarding draft guidelines  
4 prior to adoption, and shall post the draft guidelines on the  
5 Transportation Agency's internet website at least 30 days prior to  
6 the first public workshop.

7 (b) ~~In developing the guidelines, the secretary shall do all of~~  
8 ~~the following:~~

9 (1) ~~Consult, at a minimum, with the Department of~~  
10 ~~Transportation, the Department of the California Highway Patrol,~~  
11 ~~the State Department of Public Health, local governments, and~~  
12 ~~relevant stakeholder organizations. The secretary shall also consider~~  
13 ~~and incorporate best practices from speed enforcement camera~~  
14 ~~systems operational guidelines from the National Highway Traffic~~  
15 ~~Safety Administration (NHTSA).~~

16 (2) ~~Work collaboratively with privacy stakeholders to consider~~  
17 ~~and adopt guidelines regarding privacy and use of data, including,~~  
18 ~~but not limited to, all of the following:~~

19 (A) ~~The Department of Transportation or local department of~~  
20 ~~transportation shall adopt a speed safety system use policy that~~  
21 ~~includes the specific purpose for the system, the uses that are~~  
22 ~~authorized and uses that are prohibited, the rules and processes~~  
23 ~~required prior to that use, including policies on the data or~~  
24 ~~information that can be collected, individuals who have access to~~  
25 ~~that data, and provisions for protecting, retaining, and disposing~~  
26 ~~of that data.~~

27 (B) ~~The use of facial recognition technology in a speed safety~~  
28 ~~system program shall be prohibited.~~

29 (C) ~~Notwithstanding Sections 6253 and 6262 of the Government~~  
30 ~~Code or any other law, photographic, video, or other visual or~~  
31 ~~administrative records made by a speed safety system shall be~~  
32 ~~confidential. The Department of Transportation and local~~  
33 ~~departments of transportation shall use, and allow access to, these~~  
34 ~~records only for the purposes authorized by this article or to assess~~  
35 ~~the impact of the use of speed safety systems.~~

36 (D) ~~If any confidential information is collected by the~~  
37 ~~Department of Transportation or a local department of~~  
38 ~~transportation from the Department of Motor Vehicles, that~~  
39 ~~information shall be held confidential, and shall not be used for~~  
40 ~~any other purpose.~~



1 ~~(E) Information collected and maintained under a pilot program~~  
2 ~~authorized under this article shall only be used to administer the~~  
3 ~~speed safety system program, and shall not be disclosed to any~~  
4 ~~other persons, including, but not limited to, any other state or~~  
5 ~~federal agency or official for any other purpose, except as required~~  
6 ~~by state or federal law, court order, or in response to a subpoena~~  
7 ~~in an individual case or proceeding.~~

8 ~~(3) Work collaboratively with racial equity and economic justice~~  
9 ~~groups to ensure equity considerations are included in all aspects~~  
10 ~~of the development and administration of the guidelines, including,~~  
11 ~~but not limited to, both of the following:~~

12 ~~(A) An evaluation of the impacts of the pilot programs on~~  
13 ~~low-income and predominantly minority communities where the~~  
14 ~~pilot programs may be implemented.~~

15 ~~(B) Consideration of the fiscal impacts of the pilot program on~~  
16 ~~individuals with low income, including, for any civil penalties~~  
17 ~~established under a pilot program, the Department of~~  
18 ~~Transportation or a local department of transportation shall offer~~  
19 ~~a diversion program for certain individuals with low income who~~  
20 ~~are found in violation of a speed law under the pilot program,~~  
21 ~~including, but not limited to, the option to pay applicable fines,~~  
22 ~~fees, and penalties over time under a payment program, to enroll~~  
23 ~~in a community service program in lieu of payment, and the~~  
24 ~~establishment of reduced fines, fees, and penalties for qualifying~~  
25 ~~individuals with low income.~~

26 ~~(4) Determine procedures for issuing, contesting, and paying~~  
27 ~~citations, and the amount of the citation. Notwithstanding any other~~  
28 ~~law, a violation of Section 22350, or any other speed law, that is~~  
29 ~~recorded by a speed safety system shall be subject only to a civil~~  
30 ~~penalty, in a total amount, which includes any additional fees, not~~  
31 ~~to exceed one hundred twenty-five dollars (\$125), and shall not~~  
32 ~~result in the Department of Motor Vehicles suspending or revoking~~  
33 ~~the privilege of a violator to drive a motor vehicle or in a violation~~  
34 ~~point being assessed against the violator. The procedures for~~  
35 ~~contesting a citation shall include an opportunity to appeal for a~~  
36 ~~hearing on the matter, and the procedures for payment of the civil~~  
37 ~~penalties shall be consistent with the considerations described in~~  
38 ~~subparagraph (B) of paragraph (3).~~

39 ~~(5) Evaluate and include best practices on speed safety system~~  
40 ~~placement, speed thresholds, public notice, a warning phase,~~

1 adjudication, use of revenue, system calibration, community  
2 engagement, program operations, and oversight.

3 (e) Upon adoption of the guidelines, the Secretary shall post the  
4 final adopted guidelines on the agency's internet website and  
5 submit the guidelines to the appropriate policy committees of the  
6 Legislature.

7 (d) The Administrative Procedure Act (Chapter 3.5  
8 (commencing with Section 11340) of Part 1 of Division 3 of Title  
9 2 of the Government Code) does not apply to the development and  
10 adoption of guidelines pursuant to this article.

11 22427. (a) The pilot programs described in this section may  
12 commence 30 days after the secretary submits the adopted  
13 guidelines to the appropriate policy committees of the Legislature  
14 pursuant to Section 22426.

15 (b) The Department of Transportation, in collaboration with the  
16 Department of the California Highway Patrol, may establish a  
17 work zone pilot program using speed safety systems that meets all  
18 of the following requirements:

19 (1) The program policies comply with the guidelines adopted  
20 pursuant to Section 22426.

21 (2) The program is implemented in an active work zone on a  
22 highway under the department's jurisdiction.

23 (3) If the highway under the department's jurisdiction functions  
24 as a local road, the program shall have a written agreement with  
25 the local transportation department acting through its department  
26 head.

27 (4) The program requires the collection of data to support the  
28 evaluation report required pursuant to Section 22428.

29 (e) (1) A local department of transportation may, by ordinance  
30 or resolution, establish and implement a local streets pilot program  
31 using speed safety systems that meets all of the following  
32 requirements:

33 (A) The program policies comply with the guidelines adopted  
34 pursuant to Section 22426.

35 (B) The program requires community engagement to inform  
36 the community about the implementation of the program.

37 (C) A local department of transportation may include speed  
38 safety systems in school zones under its pilot program.

39 (D) The program requires the collection of data to support the  
40 evaluation report required pursuant to Section 22428.

1 ~~(2) A local department of transportation may include speed~~  
 2 ~~safety systems in school zones.~~

3 ~~(d) An operator of a public safety vehicle shall not be found to~~  
 4 ~~be in violation of a speed law under a pilot program established~~  
 5 ~~pursuant to this article.~~

6 ~~22428. (a) The Department of Transportation, in collaboration~~  
 7 ~~with the Department of the California Highway Patrol, shall submit~~  
 8 ~~an evaluation report for a work zone pilot program it establishes~~  
 9 ~~pursuant to Section 22427 to the appropriate committees of the~~  
 10 ~~Legislature within two years from the date the pilot program~~  
 11 ~~commences and annually thereafter.~~

12 ~~(b) A local department of transportation with a local streets pilot~~  
 13 ~~program established pursuant to Section 22427 shall submit an~~  
 14 ~~evaluation report for the pilot program to the appropriate~~  
 15 ~~committees of the Legislature within two years from the date the~~  
 16 ~~pilot program commences and annually thereafter.~~

17 ~~(e) The pilot program evaluation reports shall include, at a~~  
 18 ~~minimum, an analysis of the impacts related to all of the guidelines~~  
 19 ~~described in subdivision (b) of Section 22426. An analysis of the~~  
 20 ~~guidelines specified in paragraph (3) of subdivision (b) of Section~~  
 21 ~~22426 shall be developed in collaboration with racial equity and~~  
 22 ~~economic justice groups.~~

23 ~~22429. This article shall remain in effect only until January 1,~~  
 24 ~~2027, and as of that date is repealed.~~

25 *SEC. 2. Section 70615 of the Government Code is amended to*  
 26 *read:*

27 70615. The fee for filing any of the following appeals to the  
 28 superior court is twenty-five dollars (\$25):

29 (a) An appeal of a local agency's decision regarding an  
 30 administrative fine or penalty under Section 53069.4.

31 (b) An appeal under Section 40230 of the Vehicle Code of an  
 32 administrative agency's decision regarding a parking violation.

33 (c) An appeal under Section 99582 of the Public Utilities Code  
 34 of a hearing officer's determination regarding an administrative  
 35 penalty for fare evasion or a passenger conduct violation.

36 (d) A petition under Section 186.35 of the Penal Code  
 37 challenging a law enforcement agency's inclusion of a person's  
 38 information in a shared gang database.

39 (e) *An appeal under Section 22428 of the Vehicle Code of a*  
 40 *hearing officer's determination regarding a civil penalty for an*

1 *automated speed violation, as defined in Section 22425 of the*  
 2 *Vehicle Code.*

3 *(f) This section shall remain in effect only until January 1, 2027,*  
 4 *and as of that date is repealed.*

5 *SEC. 3. Section 70615 is added to the Government Code, to*  
 6 *read:*

7 *70615. The fee for filing any of the following appeals to the*  
 8 *superior court is twenty-five dollars (\$25):*

9 *(a) An appeal of a local agency's decision regarding an*  
 10 *administrative fine or penalty under Section 53069.4.*

11 *(b) An appeal under Section 40230 of the Vehicle Code of an*  
 12 *administrative agency's decision regarding a parking violation.*

13 *(c) An appeal under Section 99582 of the Public Utilities Code*  
 14 *of a hearing officer's determination regarding an administrative*  
 15 *penalty for fare evasion or a passenger conduct violation.*

16 *(d) A petition under Section 186.35 of the Penal Code*  
 17 *challenging a law enforcement agency's inclusion of a person's*  
 18 *information in a shared gang database.*

19 *(e) This section shall become operative on January 1, 2027.*

20 *SEC. 4. Article 3 (commencing with Section 22425) is added*  
 21 *to Chapter 7 of Division 11 of the Vehicle Code, to read:*

22

23 *Article 3. Speed Safety System Pilot Program: Automated Speed*  
 24 *Enforcement System*

25

26 *22425. (a) As used in this article, the following definitions*  
 27 *shall apply:*

28 *(1) "Automated speed violation" means a violation of a speed*  
 29 *law detected by a speed safety system operated pursuant to this*  
 30 *article.*

31 *(2) "Indigent" shall have the same meaning as defined in*  
 32 *subdivision (c) of Section 40220.*

33 *(3) "Local department of transportation" means a city or city*  
 34 *and county's department of transportation or, if a city or city and*  
 35 *county does not have a department of transportation, their*  
 36 *administrative division, including, but not limited to, a public*  
 37 *works department that administers transportation and traffic*  
 38 *matters under this code.*

39 *(4) "Speed safety system" or "system" means a fixed or mobile*  
 40 *radar or laser system or any other electronic device that utilizes*

1 *automated equipment to detect a violation of speeding laws and*  
2 *is designed to obtain a clear photograph, video recording, or other*  
3 *visual image of a vehicle license plate.*

4 *(b) (1) The Cities of Los Angeles, Oakland, San Jose, two*  
5 *southern California cities, and the City and County of San*  
6 *Francisco may establish a program utilizing a speed safety system*  
7 *for speed limit enforcement, to be operated by a local department*  
8 *of transportation, in the following areas:*

9 *(A) Within 2,500 feet of a school.*

10 *(B) Within 2,500 feet of a senior zone.*

11 *(C) Within 2,500 feet of a public park.*

12 *(D) Within 2,500 feet of a recreational center.*

13 *(E) On a street meeting the standards of a high injury network,*  
14 *as defined by the Department of Transportation.*

15 *(2) A municipality operating a speed safety system pilot program*  
16 *under this article may have speed safety systems operational on*  
17 *no more than 15 percent of the municipality's streets at any time*  
18 *during the pilot program.*

19 *(c) The Speed Safety System Pilot Program shall not be operated*  
20 *on any California state route, including all freeways and*  
21 *expressways, United States Highway, Interstate Highway or any*  
22 *public road in an unincorporated county where the Commissioner*  
23 *of the California Highway Patrol has full responsibility and*  
24 *primary jurisdiction for the administration and enforcement of the*  
25 *laws, and for the investigation of traffic accidents, pursuant to*  
26 *Section 2400.*

27 *(d) If a school zone is located on a street or portion of a street*  
28 *that is eligible for a speed safety system pursuant to subdivision*  
29 *(b), and the posted speed limit is 30 miles per hour or higher when*  
30 *children are not present, a city or city and county may operate a*  
31 *speed safety system two hours before the regular school session*  
32 *begins and two hours after regular school session concludes.*

33 *(e) A speed safety system for speed limit enforcement may be*  
34 *utilized pursuant to subdivision (b) if the program meets all of the*  
35 *following requirements:*

36 *(1) Clearly identifies the presence of the speed safety system by*  
37 *signs stating "Photo Enforced," along with the posted speed limit*  
38 *within 500 feet of the system. The signs shall be visible to traffic*  
39 *traveling on the street from the direction of travel for which the*  
40 *system is utilized, and shall be posted at all locations as may be*

1 *determined necessary by the Department of Transportation through*  
2 *collaboration with the California Traffic Control Devices*  
3 *Committee.*

4 (2) *Identifies the streets or portions of streets that have been*  
5 *approved for enforcement using a speed safety system and the*  
6 *hours of enforcement on the municipality's internet website, which*  
7 *shall be updated whenever the municipality changes locations of*  
8 *enforcement.*

9 (3) *Ensures that the speed safety system is regularly inspected*  
10 *and certifies that the system is installed and operating properly.*  
11 *Each camera unit shall be calibrated in accordance with the*  
12 *manufacturer's instructions, and at least once per year by an*  
13 *independent calibration laboratory. Documentation of the regular*  
14 *inspection, operation, and calibration of the system shall be*  
15 *retained until the date on which the system has been permanently*  
16 *removed from use.*

17 (4) *Utilizes fixed speed safety systems that provide real-time*  
18 *notification when violations are detected.*

19 (f) *Prior to enforcing speed laws utilizing speed safety systems,*  
20 *the city or city and county shall do both of the following:*

21 (1) *Administer a public information campaign for at least 30*  
22 *calendar days prior to the commencement of the program, which*  
23 *shall include public announcements in major media outlets and*  
24 *press releases. The public information campaign shall include the*  
25 *draft Speed Safety System Use Policy pursuant to subdivision (g),*  
26 *the Speed Safety System Impact Report pursuant to subdivision*  
27 *(h), information on when systems will begin detecting violations,*  
28 *the streets, or portions of streets, where systems will be utilized,*  
29 *and the city's internet website, where additional information about*  
30 *the program can be obtained. Notwithstanding the above, no*  
31 *further public announcement by the municipality shall be required*  
32 *for additional systems that may be added to the program.*

33 (2) *Issue warning notices rather than notices of violation for*  
34 *violations detected by the speed safety systems during the first 30*  
35 *calendar days of enforcement under the program. If additional*  
36 *systems are utilized on additional streets after the initial program*  
37 *implementation, the city or city and county shall issue warning*  
38 *notices rather than notices of violation for violations detected by*  
39 *the new speed safety systems during the first 30 calendar days of*  
40 *enforcement for the additional streets added to the program.*

1 (g) *The local governing body shall adopt a Speed Safety System*  
2 *Use Policy before entering into an agreement regarding a speed*  
3 *safety system, purchasing or leasing equipment for a program, or*  
4 *implementing a program. The Speed Safety System Use Policy*  
5 *shall include the specific purpose for the system, the uses that are*  
6 *authorized, the rules and processes required prior to that use, and*  
7 *the uses that are prohibited. The policy shall include the data or*  
8 *information that can be collected by the speed safety system and*  
9 *the individuals who can access or use the collected information,*  
10 *and the rules and processes related to the access or use of the*  
11 *information. The policy shall also include provisions for protecting*  
12 *data from unauthorized access, data retention, public access,*  
13 *third-party data sharing, training, auditing, and oversight to ensure*  
14 *compliance with the Speed Safety System Use Policy. The Speed*  
15 *Safety System Use Policy shall be made available for public review,*  
16 *including, but not limited to, by posting it on the local governing*  
17 *body's internet website at least 30 calendar days prior to adoption*  
18 *by the local governing body.*

19 (h) (1) *The local governing body also shall approve a Speed*  
20 *Safety System Impact Report prior to implementing a program.*  
21 *The Speed Safety System Impact Report shall include all of the*  
22 *following information:*

23 (A) *Assessment of potential impact of the speed safety system*  
24 *on civil liberties and civil rights and any plans to safeguard those*  
25 *public rights.*

26 (B) *Description of the speed safety system and how it works.*

27 (C) *Fiscal costs for the speed safety system, including program*  
28 *establishment costs, ongoing costs, and program funding.*

29 (D) *If potential deployment locations of systems are*  
30 *predominantly in low-income neighborhoods, a determination of*  
31 *why these locations experience high fatality and injury collisions*  
32 *due to unsafe speed.*

33 (E) *Locations where the system may be deployed and traffic*  
34 *data for these locations.*

35 (F) *Proposed purpose of the speed safety system.*

36 (2) *The Speed Safety System Impact Report shall be made*  
37 *available for public review at least 30 calendar days prior to*  
38 *adoption by the governing body.*

39 (3) *The local governing body shall consult and work*  
40 *collaboratively with relevant local stakeholder organizations,*

1 *including racial equity, privacy protection, and economic justice*  
2 *groups, in developing the Speed Safety System Use Policy and*  
3 *Speed Safety System Impact Report.*

4 *(i) The municipality shall develop uniform guidelines for both*  
5 *of the following:*

6 *(1) The screening and issuing of notices of violation.*

7 *(2) The processing and storage of confidential information and*  
8 *procedures to ensure compliance with confidentiality requirements.*

9 *(j) Notices of violation issued pursuant to this section shall*  
10 *include a clear photograph, video recording, or other visual image*  
11 *of the license plate and rear of the vehicle only, the Vehicle Code*  
12 *violation, the camera location, and the date and time when the*  
13 *violation occurred. Notices of violation shall exclude images of*  
14 *the rear window area of the vehicle.*

15 *(k) The photographic, video, or other visual evidence stored by*  
16 *a speed safety system does not constitute an out-of-court hearsay*  
17 *statement by a declarant under Division 10 (commencing with*  
18 *Section 1200) of the Evidence Code.*

19 *(l) (1) Notwithstanding Sections 6253 and 6262 of the*  
20 *Government Code, or any other law, photographic, video, or other*  
21 *visual or administrative records made by a system shall be*  
22 *confidential. Public agencies shall use and allow access to these*  
23 *records only for the purposes authorized by this article or to assess*  
24 *the impacts of the system.*

25 *(2) Confidential information obtained from the Department of*  
26 *Motor Vehicles for the administration of speed safety systems and*  
27 *enforcement of this article shall be held confidential, and shall*  
28 *not be used for any other purpose.*

29 *(3) Except for court records described in Section 68152 of the*  
30 *Government Code, or as provided in paragraph (4), the*  
31 *confidential records and evidence described in paragraphs (1)*  
32 *and (2) may be retained for up to 60 days after final disposition*  
33 *of the notice of violation. The municipality may adopt a retention*  
34 *period of less than 60 days in the Speed Safety System Use Policy.*  
35 *Administrative records described in paragraph (1) may be retained*  
36 *for up to 120 days after final disposition of the notice of violation.*  
37 *Notwithstanding any other law, the confidential records and*  
38 *evidence shall be destroyed in a manner that maintains the*  
39 *confidentiality of any person included in the record or evidence.*



1 (4) Notwithstanding Section 26202.6 of the Government Code,  
2 photographic, video, or other visual evidence that is obtained from  
3 a speed safety system that does not contain evidence of a speeding  
4 violation shall be destroyed within five business days after the  
5 evidence was first obtained. The use of facial recognition  
6 technology in conjunction with a speed safety system shall be  
7 prohibited.

8 (5) Information collected and maintained by a municipality  
9 using a speed safety system shall only be used to administer an  
10 program, and shall not be disclosed to any other persons,  
11 including, but not limited to, any other state or federal government  
12 agency or official for any other purpose, except as required by  
13 state or federal law, court order, or in response to a subpoena in  
14 an individual case or proceeding.

15 (m) Notwithstanding subdivision (l), the registered owner or  
16 an individual identified by the registered owner as the driver of  
17 the vehicle at the time of the alleged violation shall be permitted  
18 to review the photographic, video, or visual evidence of the alleged  
19 violation.

20 (n) A contract between the municipality and a manufacturer or  
21 supplier of speed safety systems shall allow the local authority to  
22 purchase materials, lease equipment, and contract for processing  
23 services from the manufacturer or supplier based on the services  
24 rendered on a monthly schedule or another schedule agreed upon  
25 by the municipality and contractor. The contract shall not include  
26 provisions for payment or compensation based on the number of  
27 notices of violation issued by a designated municipal employee,  
28 or as a percentage of revenue generated, from the use of the system.  
29 The contract shall include a provision that all data collected from  
30 the speed safety systems is confidential, and shall prohibit the  
31 manufacturer or supplier of speed safety systems from sharing,  
32 repurposing, or monetizing collected data, except as specifically  
33 authorized in this article. The municipality shall oversee and  
34 maintain control over all enforcement activities, including the  
35 determination of when a notice of violation should be issued.

36 (o) Notwithstanding subdivision (n), a municipality may contract  
37 with a vendor for the processing of notices of violation after a  
38 designated municipal employee has issued a notice of violation.  
39 The vendor shall be a separate legal and corporate entity from,  
40 and unrelated or affiliated in any manner with, the manufacturer

1 or supplier of speed safety systems used by the municipality. Any  
 2 contract between the municipality and a vendor to provide  
 3 processing services may include a provision for the payment of  
 4 compensation based on the number of notices of violation  
 5 processed by the vendor.

6 (p) (1) A speed safety system shall no longer be operated on  
 7 any given street if within the first 18 months of installation of a  
 8 system, at least one of the following thresholds has not been met:

9 (A) Percentage of automated speed violations decreased by at  
 10 least 25 percent.

11 (B) Percentage of violators who received two or more violations  
 12 decreased by at least 50 percent.

13 (2) This subdivision shall not apply if a city or city and county  
 14 adds traffic-calming measures to the street. "Traffic-calming  
 15 measures" include, but are not limited to:

16 (A) Bicycle lanes.

17 (B) Chicanes.

18 (C) Chokers.

19 (D) Curb extensions.

20 (E) Median islands.

21 (F) Raised crosswalks.

22 (G) Road diets.

23 (H) Roundabouts.

24 (I) Speed humps or speed tables.

25 (J) Traffic circles.

26 (3) A city or city and county may continue to operate a speed  
 27 safety system with a fixed or mobile vehicle speed feedback sign  
 28 while traffic-calming measures are being planned or constructed,  
 29 but shall halt their use if construction has not begun within two  
 30 years.

31 (4) If the percentage of violations has not decreased by the  
 32 metrics identified pursuant to paragraph (1) within one year after  
 33 traffic-calming measures have completed construction, a city or  
 34 county shall either construct additional traffic-calming measures  
 35 or cease operation of the system on that street.

36 22426. (a) Notwithstanding any other law, a violation of  
 37 Section 22350, or any other speed law pursuant to this chapter  
 38 that is recorded by a speed safety system authorized pursuant to  
 39 Section 22425 shall be subject only to a civil penalty, as provided  
 40 in subdivision (d), and shall not result in the department

1 *suspending or revoking the privilege of a violator to drive a motor*  
2 *vehicle or in a violation point being assessed against the violator.*

3 *(b) The speed safety system shall capture images of the rear*  
4 *license plate of vehicles that are traveling 11 miles per hour or*  
5 *more over the posted speed limit and notices of violation shall only*  
6 *be issued to vehicles based on that evidence.*

7 *(c) No more than one notice of violation shall be issued for a*  
8 *violation recorded from a specific license plate within a 24-hour*  
9 *period.*

10 *(d) A civil penalty shall be assessed as follows:*

11 *(1) Fifty dollars (\$50) for a speed violation from 11 up to 15*  
12 *miles per hour over the posted speed limit.*

13 *(2) One hundred dollars (\$100) for a speed violation from 15*  
14 *up to 25 miles per hour over the posted speed limit.*

15 *(3) Two hundred dollars (\$200) for a speed violation from 25*  
16 *up to 100 miles per hour over the posted speed limit.*

17 *(4) Five hundred dollars (\$500) for a speed violation 100 miles*  
18 *per hour or greater over the posted speed limit.*

19 *(e) A civil penalty shall not be assessed against an authorized*  
20 *emergency vehicle.*

21 *(f) The written notice of violation shall be issued to the*  
22 *registered owner of the vehicle within 15 calendar days of the date*  
23 *of the violation. The notice of violation shall include all of the*  
24 *following information:*

25 *(1) The violation, including reference to the speed law that was*  
26 *violated.*

27 *(2) The date, approximate time, and location where the violation*  
28 *occurred.*

29 *(3) The vehicle license number and the name and address of*  
30 *the registered owner of the vehicle.*

31 *(4) A statement that payment is required to be made no later*  
32 *than 30 calendar days from the date of mailing of the notice of*  
33 *violation, or that the violation may be contested pursuant to Section*  
34 *22427.*

35 *(5) The amount of the civil penalty due for that violation and*  
36 *the procedures for the registered owner, lessee, or rentee to pay*  
37 *the civil penalty or to contest the notice of violation.*

38 *(6) An affidavit of nonliability, and information of what*  
39 *constitutes nonliability, information as to the effect of executing*  
40 *the affidavit, and instructions for returning the affidavit to the*

1 *processing agency. If the affidavit of nonliability is returned to the*  
2 *processing agency within 30 calendar days of the mailing of the*  
3 *notice of violation, together with proof of a written lease or rental*  
4 *agreement between a bona fide rental or leasing company and its*  
5 *customer that identifies the rentee or lessee, the processing agency*  
6 *shall serve or mail a notice of violation to the rentee or lessee*  
7 *identified in the affidavit of nonliability.*

8 *(g) Mobile radar or laser systems shall not be used until at least*  
9 *two years after the installation of the first fixed radar or laser*  
10 *system.*

11 *(h) (1) Revenues derived from any program utilizing a speed*  
12 *safety system for speed limit enforcement shall first be used to*  
13 *recover program costs. Program costs include, but are not limited*  
14 *to the construction of traffic calming measures for the purposes*  
15 *of complying with subdivision (p) of Section 22425, the installation*  
16 *of speed safety systems, the adjudication of violations, and*  
17 *reporting requirements as specified in this section.*

18 *(2) Jurisdictions shall maintain their existing commitment of*  
19 *local funds for traffic-calming measures in order to remain*  
20 *authorized to participate in the pilot program, and shall annually*  
21 *expend not less than the annual average of expenditures for*  
22 *traffic-calming measures during the 2016–17, 2017–18, and*  
23 *2018–19 fiscal years. For purposes of this subdivision, in*  
24 *calculating average expenditures on traffic-calming measures,*  
25 *restricted funds that may not be available on an ongoing basis,*  
26 *including those from voter-approved bond issuances or tax*  
27 *measures, shall not be included. Any excess revenue shall be used*  
28 *for traffic calming measures within three years. If traffic-calming*  
29 *measures are not planned or constructed after the third year, then*  
30 *excess revenue shall revert to the Active Transportation Program*  
31 *established pursuant to Chapter 8 (commencing with Section 2380)*  
32 *of the Streets and Highways Code, to be allocated by the California*  
33 *Transportation Commission pursuant to Section 2381 of the Streets*  
34 *and Highways Code.*

35 *22427. (a) For a period of 30 calendar days from the mailing*  
36 *of a notice of violation, a person may request an initial review of*  
37 *the notice by the issuing agency. The request may be made by*  
38 *telephone, in writing, electronically, or in person. There shall be*  
39 *no charge for this review. If, following the initial review, the issuing*  
40 *agency is satisfied that the violation did not occur, or that*

1 *extenuating circumstances make dismissal of the notice of violation*  
2 *appropriate in the interest of justice, the issuing agency shall*  
3 *cancel the notice of violation. The issuing agency shall advise the*  
4 *processing agency, if any, of the cancellation. The issuing agency*  
5 *or the processing agency shall mail the results of the initial review*  
6 *to the person contesting the notice, and, if cancellation of the notice*  
7 *does not occur following that review, include a reason for that*  
8 *denial, notification of the ability to request an administrative*  
9 *hearing, and notice of the procedure adopted pursuant to*  
10 *paragraph (2) of subdivision (b) for waiving prepayment of the*  
11 *civil penalty based upon an inability to pay.*

12 *(b) (1) If the person contesting the notice of violation is*  
13 *dissatisfied with the results of the initial review, the person may,*  
14 *no later than 21 calendar days following the mailing of the results*  
15 *of the issuing agency's initial review, request an administrative*  
16 *hearing of the violation. The request may be made by telephone,*  
17 *in writing, electronically, or in person.*

18 *(2) The person requesting an administrative hearing shall pay*  
19 *the amount of the civil penalty to the processing agency. The*  
20 *issuing agency shall adopt a written procedure to allow a person*  
21 *to request an administrative hearing without payment of the civil*  
22 *penalty upon satisfactory proof of an inability to pay the amount*  
23 *due.*

24 *(3) The administrative hearing shall be held within 90 calendar*  
25 *days following the receipt of a request for an administrative*  
26 *hearing. The person requesting the hearing may request one*  
27 *continuance, not to exceed 21 calendar days.*

28 *(c) The administrative hearing process shall include all of the*  
29 *following:*

30 *(1) The person requesting a hearing shall have the choice of a*  
31 *hearing by mail, video conference, or in person. An in-person*  
32 *hearing shall be conducted within the jurisdiction of the issuing*  
33 *agency.*

34 *(2) If the person requesting a hearing is a minor, that person*  
35 *shall be permitted to appear at a hearing or admit responsibility*  
36 *for the automated speed violation without the appointment of a*  
37 *guardian. The processing agency may proceed against the minor*  
38 *in the same manner as against an adult.*

39 *(3) The administrative hearing shall be conducted in accordance*  
40 *with written procedures established by the issuing agency and*

1 *approved by the governing body or chief executive officer of the*  
2 *issuing agency. The hearing shall provide an independent,*  
3 *objective, fair, and impartial review of contested automated speed*  
4 *violations.*

5 (4) (A) *The issuing agency's governing body or chief executive*  
6 *officer shall appoint or contract with qualified independent*  
7 *examiners or administrative hearing providers that employ*  
8 *qualified independent examiners to conduct the administrative*  
9 *hearings. Examiners shall demonstrate the qualifications, training,*  
10 *and objectivity necessary to conduct a fair and impartial review.*  
11 *The examiner shall be separate and independent from the notice*  
12 *of violation collection or processing function. An examiner's*  
13 *continued employment, performance evaluation, compensation,*  
14 *and benefits shall not, directly or indirectly, be linked to the amount*  
15 *of civil penalties collected by the examiner or the number or*  
16 *percentage of violations upheld by the examiner.*

17 (B) (i) *Examiners shall have a minimum of 20 hours of training.*  
18 *The examiner is responsible for the costs of the training. The*  
19 *issuing agency may reimburse the examiner for those costs.*  
20 *Training may be provided through any of the following:*

21 (I) *An accredited college or university.*

22 (II) *A program conducted by the Commission on Peace Officer*  
23 *Standards and Training.*

24 (III) *A program conducted by the American Arbitration*  
25 *Association or a similar organization.*

26 (IV) *Any program approved by the governing body or chief*  
27 *executive officer of the issuing agency, including a program*  
28 *developed and provided by, or for, the agency.*

29 (ii) *Training programs may include topics relevant to the*  
30 *administrative hearing, including, but not limited to, applicable*  
31 *laws and regulations, enforcement procedures, due process,*  
32 *evaluation of evidence, hearing procedures, and effective oral and*  
33 *written communication. Upon the approval of the governing body*  
34 *or chief executive officer of the issuing agency, up to 12 hours of*  
35 *relevant experience may be substituted for up to 12 hours of*  
36 *training. Up to eight hours of the training requirements described*  
37 *in this subparagraph may be credited to an individual, at the*  
38 *discretion of the governing body or chief executive officer of the*  
39 *issuing agency, based upon training programs or courses described*

1 *in this subparagraph that the individual attended within the last*  
2 *five years.*

3 (5) *The designated municipal employee who issues a notice of*  
4 *violation shall not be required to participate in an administrative*  
5 *hearing. The issuing agency shall not be required to produce any*  
6 *evidence other than, in proper form, the notice of violation or copy*  
7 *thereof, including the photograph, video, or other visual image of*  
8 *the vehicle's license plate, and information received from the*  
9 *Department of Motor Vehicles identifying the registered owner of*  
10 *the vehicle. The documentation in proper form shall be prima facie*  
11 *evidence of the violation.*

12 (6) *The examiner's final decision following the administrative*  
13 *hearing may be personally delivered to the person by the examiner*  
14 *or sent by first-class mail.*

15 (7) *Following a determination by the examiner that a person*  
16 *has committed the violation, the examiner may, consistent with*  
17 *the written guidelines established by the issuing agency, allow*  
18 *payment of the civil penalty in installments, or an issuing agency*  
19 *may allow for deferred payment or payments in installments, if*  
20 *the person provides evidence satisfactory to the examiner or the*  
21 *issuing agency, as the case may be, of an inability to pay the civil*  
22 *penalty in full. If authorized by the governing body of the issuing*  
23 *agency, the examiner may permit the performance of community*  
24 *service in lieu of payment of the civil penalty.*

25 (8) *If a notice of violation is dismissed following an*  
26 *administrative hearing, any civil penalty, if paid, shall be refunded*  
27 *by the issuing agency within 30 days.*

28 22428. (a) *Within 30 days after personal delivery or mailing*  
29 *of the final decision described in subdivision (c) of Section 22427,*  
30 *the contestant may seek review by filing an appeal to the superior*  
31 *court, where the case shall be heard de novo, except that the*  
32 *contents of the processing agency's file in the case on appeal shall*  
33 *be received in evidence. A copy of the notice of violation shall be*  
34 *admitted into evidence as prima facie evidence of the facts stated*  
35 *in the notice. A copy of the notice of appeal shall be served in*  
36 *person or by first-class mail upon the processing agency by the*  
37 *contestant. For purposes of computing the 30-day period, Section*  
38 *1013 of the Code of Civil Procedure shall be applicable. A*  
39 *proceeding under this subdivision is a limited civil case.*

1 (b) The fee for filing the notice of appeal shall be as provided  
 2 in Section 70615 of the Government Code. The court shall request  
 3 that the issuing agency's file on the case be forwarded to the court,  
 4 to be received within 15 calendar days of the request. The court  
 5 shall notify the contestant of the appearance date by mail or  
 6 personal delivery. The court shall retain the fee under Section  
 7 70615 of the Government Code regardless of the outcome of the  
 8 appeal. If the appellant prevails, this fee and any payment of the  
 9 civil penalty shall be promptly refunded by the issuing agency in  
 10 accordance with the judgment of the court.

11 (c) The conduct of the hearing on appeal under this section is  
 12 a subordinate judicial duty that may be performed by a  
 13 commissioner or other subordinate judicial officer at the direction  
 14 of the presiding judge of the court.

15 (d) If a notice of appeal of the examiner's decision is not filed  
 16 within the period set forth in subdivision (a), the decision shall be  
 17 deemed final.

18 (e) If the civil penalty has not been paid and the decision is  
 19 adverse to the contestant, the processing agency may, promptly  
 20 after the decision becomes final, proceed to collect the civil penalty  
 21 under Section 22426.

22 22429. (a) A city or city and county shall offer a diversion  
 23 program for indigent speed safety system violation recipients, to  
 24 perform community service in lieu of paying the penalty for an  
 25 automated speed system violation.

26 (b) A city or city and county shall offer the ability for indigent  
 27 speed safety system violation recipients to pay applicable fines  
 28 and penalties over a period of time under a payment plan with  
 29 monthly installments of no more than twenty-five dollars (\$25)  
 30 and shall limit the processing fee to participate in a payment plan  
 31 to five dollars (\$5) or less.

32 (c) Notwithstanding subdivisions (a) and (b), a city or city and  
 33 county shall reduce the applicable fines and penalties by 80 percent  
 34 for indigent persons, and by 50 percent for individuals 200 percent  
 35 above the federal poverty level.

36 22430. A city or city and county shall each develop and submit  
 37 to their respective governing body a Speed Safety System Report,  
 38 two years after initial implementation of the program and at the  
 39 end of the pilot program that includes all of the following  
 40 information:



- 1     (a) A description of how the speed safety system was used.
- 2     (b) Whether and how often any system data was shared with  
3 outside entities, the name of any recipient entity, the type or types  
4 of data disclosed, and the legal reason for the disclosure.
- 5     (c) A summary of any community complaints or concerns about  
6 the speed safety system.
- 7     (d) Results of any internal audits, information about any  
8 violations of the Speed Safety System Use Policy, and any actions  
9 taken in response.
- 10    (e) Information regarding the impact the speed safety system  
11 has had on the streets where the speed safety system was deployed.
- 12    (f) A summary of any public record act requests.
- 13    (g) A list of system locations that did not meet the threshold for  
14 continuance of a program pursuant to paragraph (1) of subdivision  
15 (p) of Section 22425, and whether further traffic-calming measures  
16 are in planning or construction, or there is a decision to halt  
17 operation of the program in those locations.
- 18    22431. Any city or city and county that used speed safety  
19 systems shall, on or before March 1 of the fifth year in which the  
20 system has been implemented, submit to the transportation  
21 committees of the Legislature an evaluation of the speed safety  
22 system in their respective jurisdictions to determine the system's  
23 impact on street safety and the system's economic impact on the  
24 communities where the system is utilized. The report shall be made  
25 available on the internet websites of the respective jurisdictions  
26 and shall include all of the following information:
- 27    (a) Data, before and after implementation of the system, on the  
28 number and proportion of vehicles speeding from 11 to 19 miles  
29 per hour over the legal speed limit, inclusive, from 20 to 29 miles  
30 per hour over the legal speed limit, inclusive, from 30 to 39 miles  
31 per hour over the legal speed limit, inclusive, and every additional  
32 10 miles per hour increment thereafter on a street or portion of a  
33 street in which an system is used to enforce speed limits. To the  
34 extent feasible, the data should be collected at the same time of  
35 day, day of week, and location.
- 36    (b) The number of notices of violation issued under the program  
37 by month and year, the corridors or locations where violations  
38 occurred, and the number of vehicles with two or more violations  
39 in a monthly period and a yearly period.

1 (c) Data, before and after implementation of the system, on the  
 2 number of traffic collisions that occurred where speed safety  
 3 systems are used, relative to citywide data, and the transportation  
 4 mode of the parties involved. The data on traffic collisions shall  
 5 be categorized by injury severity, such as property damage only,  
 6 complaint of pain, other visible injury, or severe or fatal injury.

7 (d) The number of violations paid, the number of delinquent  
 8 violations, and the number of violations for which an initial review  
 9 is requested. For the violations in which an initial review was  
 10 requested, the report shall indicate the number of violations that  
 11 went to initial review, administrative hearing, and de novo hearing,  
 12 the number of notices that were dismissed at each level of review,  
 13 and the number of notices that were not dismissed after each level  
 14 of review.

15 (e) The costs associated with implementation and operation of  
 16 the speed safety systems, and revenues collected by each  
 17 jurisdiction.

18 (f) A racial and economic equity impact analysis, developed in  
 19 collaboration with local racial justice and economic equity  
 20 stakeholder groups.

21 22432. This article shall remain in effect only until January 1,  
 22 2027, and as of that date is repealed.

23 SEC. 5. The Legislature finds and declares that a special statute  
 24 is necessary and that a general statute cannot be made applicable  
 25 within the meaning of Section 16 of Article IV of the California  
 26 Constitution because of the unique circumstances with traffic speed  
 27 enforcement in southern California, the Cities of Los Angeles,  
 28 Oakland, and San Jose, and the City and County of San Francisco.

29 ~~SEC. 3.~~

30 SEC. 6. The Legislature finds and declares that Section ~~2~~ 4 of  
 31 this act, which adds Section ~~22426~~ 22425 to the Vehicle Code,  
 32 imposes a limitation on the public's right of access to the meetings  
 33 of public bodies or the writings of public officials and agencies  
 34 within the meaning of Section 3 of Article I of the California  
 35 Constitution. Pursuant to that constitutional provision, the  
 36 Legislature makes the following findings to demonstrate the interest  
 37 protected by this limitation and the need for protecting that interest:

38 To protect the privacy interests of persons who are issued notices  
 39 of violation under a speed safety systems pilot program, the  
 40 Legislature finds and declares that the photographic, video, or

1 other visual or administrative records generated by the program  
2 shall be confidential, and shall be made available only to alleged  
3 violators and to governmental agencies solely for the purpose of  
4 enforcing these violations and assessing the impact of the use of  
5 speed safety systems, as required by this act.

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# ASSEMBLY BILL 550 (CHIU)

## SAFE STREETS AND WORK ZONES ACT OF 2021

### SUMMARY

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Assembly Bill 550 protects the safety of vulnerable travelers and workers on California roads by giving local transportation authorities and the state the option of creating speed safety pilot programs informed by a stakeholder-driven process under the auspices of the Secretary of the California State Transportation Agency.

### BACKGROUND

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From 2005 to 2014, 363,606 Americans [were killed](#) in instances of traffic violence nationwide. Of those, 112,580 people – 31 percent – were killed in speeding-related incidents. California is no exception to the scourge of speeding fatalities: over 1,000 Californians have [died](#) in speed-related traffic collisions every year for the past five years.

In addition, work crews in state and local work zones face incredibly dangerous working conditions. Workers face a high risk of being injured or killed by distracted or speeding drivers – and many have been struck and killed in the line of duty. The number of active work zones has increased in recent years due to an influx of transportation project funds. The state has undertaken additional safety campaigns, but many sites are still very dangerous.

Jurisdictions suffering from high levels of avoidable fatal and severe collisions are desperate for additional tools to bring the number of traffic deaths down to zero. Vision Zero traffic safety initiatives underway in these localities have made some progress, but these efforts to date have not brought about the necessary reductions in injuries and deaths.

Many streets with the highest incidents of fatal and severe crashes are in regionally-identified Communities of Concern, where a high percentage of households with minority or low-income status, seniors, people with limited English proficiency, and people with disabilities reside and are

disproportionately impacted. Children going to school, pedestrians and cyclists heading to work, and seniors attending to errands are at risk every day.

Vision Zero efforts have historically focused on a traditional law enforcement response to speeding and other dangerous driver behaviors, as well as education and engineering efforts. However, these traditional enforcement methods have had a well-documented disparate impact on communities of color, and implicit or explicit racial bias in police traffic stops puts drivers of color at risk. Jurisdictions around the state are seeking alternatives to traditional enforcement mechanisms that will protect public safety while being responsive to community concerns.

### THE PROBLEM

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Across the United States, numerous peer-reviewed [studies](#) have shown that speed detection systems reduce the number of severe and fatal collisions by as much as 58 percent. Despite an established history, California law currently prohibits the use of these systems.

Studies have shown that speed is the *leading* factor when determining fault in fatal and severe collisions, yet existing efforts have not led to the reduction in speed and traffic violence needed to save lives and make communities safe. California must provide communities with the option to pilot this public safety tool in order to create the expectation of regular speed checking on the most dangerous streets, and in workzones where traffic work crews are in dangerous proximity to fast-moving vehicles.

### THE SOLUTION

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AB 550 directs the Secretary of CalSTA to bring together a stakeholder working group to establish program guidelines for the piloting of two speed

safety programs: one on dangerous local streets, and the other in active state or local work zones.

Pilot programs must comply with the following specific requirements in order to operate:

- **Program Operation:** Must be operated by a jurisdiction’s transportation department or similar administrative agency.
- **Privacy Protections:** Jurisdiction must adopt a policy setting out clear restrictions on the use of data and provisions to protect, retain, and dispose of that data. Data from a system cannot be used for any other purpose or disclosed to any other person or agency except as required by law or in response to a court order or subpoena.
- **Facial Recognition Ban:** Jurisdictions are prohibited from using facial recognition technology in a program.
- **Citation Type:** Citations are civil in nature, not criminal, and shall not result in a point on a driver’s record.
- **Fine Amount:** The total penalty amount, including fees, is capped at \$125.
- **Adjudication:** Jurisdictions must provide for a hearing and appeal process for contesting citations.
- **Equity:** Jurisdictions must offer a low-income driver diversion program with specified alternative remedies in lieu of payment and reduced fines for qualifying individuals.
- **Oversight and Evaluation:** Each jurisdiction must submit a report and evaluation to the Legislature within two years of the start of the program and annually thereafter. Reports must include a specific analysis of racial equity and financial impacts of programs developed in collaboration with stakeholder groups.
- **Sunset:** The Act and any authorized programs sunset on January 1, 2027.

The working group, informed by collaboration with stakeholders and experts, will establish additional guidelines in certain areas, including system placement, speed thresholds, warning phases prior to deployment, and community engagement.

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## SUPPORT

City of Los Angeles (cosponsor)  
 City of Oakland (cosponsor)  
 City of San Francisco (cosponsor)  
 City of San Jose (cosponsor)  
 Walk San Francisco (cosponsor)  
 San Francisco Bicycle Coalition

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## FOR MORE INFORMATION

Nicole Restmeyer | Legislative Aide  
 Office of Assemblymember David Chiu  
[Nicole.Restmeyer@asm.ca.gov](mailto:Nicole.Restmeyer@asm.ca.gov)





Office of the Mayor

CONSENT CALENDAR  
May 11, 2021

To: Honorable Members of the City Council  
 From: Mayor Jesse Arreguín  
 Subject: Support of AB 43 – Safe Streets and Work Zones Act of 2021

RECOMMENDATION

Adopt a Resolution in support of AB 43 (Friedman), which gives local jurisdictions more flexibility in reducing speed limits on streets with a high rate of injuries and fatalities. Send a copy of the Resolution to Assemblymembers Laura Friedman and Buffy Wicks, State Senator Nancy Skinner, and Governor Gavin Newsom.

BACKGROUND

In 2018, the Berkeley City Council set a goal of eliminating transportation related fatalities and serious injuries by 2028. The Vision Zero Task Force was created to develop policies to achieve this goal, which Council approved under the Vision Zero Action Plan in March 2020. Statewide, similar action was being taken under AB 2363 in 2018, which establishes the Zero Traffic Fatalities Task Force. This Task Force is tasked with developing policies to reduce traffic fatalities to zero, including alternatives to the 85th percentile as a method for determining speed limits in California. The 85<sup>th</sup> percentile method sets the speed limit according to the speeds being driven by 85 percent of drivers on the roadway, based on a decennial survey. The State's Task Force concluded that such a method has an unintended consequence of leading to increased speeds over time even if the road conditions do not change, known as "speed creep".

AB 43, introduced by Assemblymember Laura Friedman (who also introduced AB 2363) addresses the recommendations of the Zero Traffic Fatalities Task Force by giving local jurisdictions the ability to set speed limits on streets with high injuries and fatalities, allowing speed limits to be reduced below the 85<sup>th</sup> percentile. The bill requires traffic surveyors to take into account the presence of vulnerable groups, including children, seniors, the unhoused and persons with disabilities when setting speed limits. Currently, the process for setting speed limits through engineering and traffic surveys does not require consideration of pedestrian and bicyclist safety. AB 43 would make this a required factor for consideration.

Approximately one third of traffic related deaths are a result of speeding according to the National Traffic Safety Board. In the Bay Area, over 400 fatalities and 2,000 serious injuries occur annually. In 2020, COVID-19 restrictions led to a 13% drop in vehicle miles driven across the country, but empty roads lead to an increase in speeding,

resulting in traffic related death rates increasing by 24%. According to the University of California Institute of Traffic Studies, research has shown reducing speed limits on limited access roads by 5 miles per hour can reduce injuries between 8% and 15%, with some studies finding reductions as great as 28% and 39%.

FINANCIAL IMPLICATIONS

None

ENVIRONMENTAL SUSTAINABILITY

Transportation emissions account for approximately 60% of Berkeley's greenhouse gas emissions. Improving traffic conditions for pedestrians and bicyclists will promote the use of alternative forms of transportation, reducing commuter carbon footprints.

CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

Attachments:

- 1: Resolution
- 2: Text of AB 43
- 3: AB 43 Factsheet



RESOLUTION NO. ##,###-N.S.

IN SUPPORT OF AB 43

WHEREAS, according to the National Traffic Safety Board, speeding accounts for a third of traffic related fatalities; and

WHEREAS, the speed of a vehicle is correlated with the likelihood of experiencing serious injuries or death from a crash; with a 95% chance of survival if a pedestrian is hit by a car going 20 MPH, 60% at 30 MPH, and 20% at 40 MPH; and

WHEREAS, in 2018, the Berkeley City Council set a goal of eliminating transportation related fatalities and serious injuries by 2028, establishing the Vision Zero Task Force tasked with developing policies to achieve this goal, which the Council approved under the Vision Zero Action Plan in March 2020; and

WHEREAS, also in 2018, the State adopted AB 2363, which establishes the statewide Zero Traffic Fatalities Task Force, tasked with developing policies to reduce traffic fatalities to zero, including alternatives to the 85th percentile as a method for determining speed limits in California; and

WHEREAS, the 85<sup>th</sup> percentile method sets the speed limit according to the speeds being driven by 85 percent of drivers on the roadway, based on a decennial survey. The State's Task Force concluded that such a method has an unintended consequence of leading to increased speeds over time even if the road conditions do not change, known as "speed creep"; and

WHEREAS, AB 43, introduced by Assemblymember Laura Friedman (who also introduced AB 2363) addresses the recommendations of the Zero Traffic Fatalities Task Force by giving local jurisdictions the ability to set speed limits on streets with high injuries and fatalities, allowing speed limits to be reduced below the 85<sup>th</sup> percentile; and

WHEREAS, the bill requires traffic surveyors to take into account the presence of vulnerable groups, including children, seniors, the unhoused and persons with disabilities when setting speed limits, in addition to pedestrian and bicyclist safety.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby supports AB 43.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to Assemblymembers Laura Friedman and Buffy Wicks, State Senator Nancy Skinner, and Governor Gavin Newsom.

AMENDED IN ASSEMBLY MARCH 22, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 43**

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**Introduced by Assembly Members Friedman, Ting, Chiu, and  
Quirk  
(Principal coauthor: Assembly Member Boerner Horvath)**

December 7, 2020

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An act to ~~add Section 14033.5 to the Government Code, and to amend Section 40802 of, and to add Section 2904.5~~ amend Sections 627, 21400, 22352, 22354, 22357, 22358, 22358.4, 22359, and 40802 of, and to add Sections 22358.6, 22358.7, and 22358.8 to, the Vehicle Code, relating to traffic safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 43, as amended, Friedman. Traffic safety.

(1) *Existing law establishes various default speed limits for vehicles upon highways, as specified. Existing law authorizes state and local authorities to adjust these default speed limits, as specified, based upon certain findings determined by an engineering and traffic survey. Existing law defines an engineering and traffic survey and prescribes specified factors that must be included in the survey, including prevailing speeds and road conditions.*

*This bill would require local authorities to consider other factors, including pedestrian and bicycle safety, that are allowed but not required to be considered under existing law. The bill would also allow local authorities to consider additional factors, including the current or immediately prior speed limit, as specified.*

(2) *Existing law establishes a prima facie speed limit of 25 miles per hour on any highway, other than a state highway, located in any*

*business or residence district, as defined. Existing law authorizes a local authority to change the speed limit on any such highway, as prescribed, including erecting signs to give notice thereof.*

*This bill would establish a prima facie speed limit of 25 miles per hour on state highways located in any business or residence district and would authorize the Department of Transportation (Caltrans) to change the speed limit on any such highway, as prescribed, including erecting signs to give notice thereof.*

*(3) Existing law establishes a speed limit of 65 miles per hour on state highways, as specified. Existing law authorizes Caltrans to declare a speed limit on any such highway, as prescribed, of 60, 55, 50, 45, 40, 35, 30, or 25 miles per hour, including erecting signs to give notice thereof. Existing law also authorizes a local authority, on a section of highway, other than a state highway, where the speed limit is 65 miles per hour to declare a lower speed limit, as specified.*

*This bill would additionally authorize Caltrans and a local authority to declare a speed limit of 20 or 15 miles per hour, as specified, on these highways.*

*(4) Existing law authorizes a local authority, without an engineering and traffic survey, to declare a lowered speed limit on portions of highway, as specified, approaching a school building or school grounds. Existing law limits this authority to sections of highway meeting specified requirements relating to the number of lanes and the speed limit of the highway before the school zone.*

*This bill would change certain of these requirements related to the declaration of these lowered speed limits. The bill would similarly authorize a lowered speed limit on a section of highway approaching a business activity district, as defined.*

*(5) Existing law requires Caltrans, by regulation, to provide for the rounding up or down to the nearest 5 miles per hour increment of the 85th percentile speed of free-flowing traffic on a portion of highway as determined by a traffic and engineering survey.*

*This bill would authorize a local authority to further reduce the speed limit, as specified, and require Caltrans to accordingly revise the California Manual on Uniform Traffic Control Devices, as specified.*

*(6) Existing law defines a speed trap and prohibits evidence of a driver's speed obtained through a speed trap from being admissible in court in any prosecution against a driver for a speed-related offense. Existing law deems a road where the speed limit is not justified by a traffic and engineering survey conducted within the previous 7 years*

*to be a speed trap, unless the roadway has been evaluated by a registered engineer, as specified, in which case the speed limit remains enforceable for a period of 10 years. Existing law exempts a school zone, as defined, from certain provisions relating to defining a speed trap.*

*This bill would extend the period that a speed limit justified by a traffic and engineering survey conducted more than 7 years ago remains valid, for purposes of speed enforcement, if evaluated by a registered engineer, as specified, to 14 years.*

*This bill would also exempt a senior zone and business activity district, as defined, from those provisions.*

*(7) This bill would make other technical, nonsubstantive, and conforming changes.*

*(8) By creating new duties for local authorities relating to traffic and engineering surveys, this bill would impose a state mandate.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

~~Existing law creates the Department of Transportation (Caltrans) within the Transportation Agency. Existing law provides various duties of Caltrans, including, among others, coordinating and assisting, upon request of the various public and private transportation entities in strengthening their development and operation of balanced integrated mass transportation, highway, aviation, maritime, railroad, and other transportation facilities and services in support of statewide and regional goals.~~

~~This bill would require, beginning June 1, 2022, and every 6 months thereafter, Caltrans to convene a committee of external design experts to advise on revisions to the Highway Design Manual.~~

~~Existing law establishes the California Traffic Safety Program, which consists of a comprehensive plan in conformity with the laws of this state to reduce traffic accidents and deaths, injuries, and property damage resulting from accidents. Existing law requires the program to include provisions to improve driver performance, including, driver education, driver testing to determine proficiency to operate motor vehicles, and~~

driver examinations and licensing, and provisions to improve bicyclist and pedestrian education and performance.

~~This bill would require the California Traffic Safety Program to include a traffic safety monitoring program that identifies and addresses locations with pedestrian- and bicyclist-related crashes, upon appropriation of state funds for this purpose.~~

~~Existing law establishes various speed limits and prohibits a person from driving with a greater speed than those limits. Existing law prohibits a peace officer or other person from using a speed trap in arresting, or participating in the arrest of, any person for any alleged violation of the Vehicle Code, and prohibits the use of a speed trap in securing evidence as to the speed of any vehicle for the purpose of an arrest or prosecution under the Vehicle Code. Existing law defines the term “speed trap,” for these purposes, among other things, to include a particular section of a highway with a prima facie speed limit that is provided by the Vehicle Code or by local ordinance, if that prima facie speed limit is not justified by an engineering and traffic survey conducted within a specified number of years of the alleged violation, and enforcement of the speed limit involves the use of radar or any other electronic device.~~

~~This bill would extend the period of time a prima facie speed limit may be justified by an engineering and traffic survey, as specified, if a registered engineer evaluates the section of the highway and finds that there has been an increase in traffic-related crashes.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1     *SECTION 1. Section 627 of the Vehicle Code is amended to*
- 2     *read:*
- 3     627. (a) “Engineering and traffic survey,” as used in this code,
- 4     means a survey of highway and traffic conditions in accordance
- 5     with methods determined by the Department of Transportation for
- 6     use by state and local authorities.
- 7     (b) An engineering and traffic survey shall include, among other
- 8     requirements deemed necessary by the department, consideration
- 9     of all of the following:
- 10    (1) Prevailing speeds as determined by traffic engineering
- 11    measurements.

1 (2) Accident records.

2 (3) Highway, traffic, and roadside conditions not readily  
3 apparent to the driver.

4 (c) When conducting an engineering and traffic survey, local  
5 authorities, in addition to the factors set forth in paragraphs (1) to  
6 (3), inclusive, of subdivision (b) ~~may~~ shall consider all of the  
7 following:

8 (1) Residential density, if any of the following conditions exist  
9 on the particular portion of highway and the property contiguous  
10 thereto, other than a business district:

11 (A) Upon one side of the highway, within a distance of a quarter  
12 of a mile, the contiguous property fronting thereon is occupied by  
13 13 or more separate dwelling houses or business structures.

14 (B) Upon both sides of the highway, collectively, within a  
15 distance of a quarter of a mile, the contiguous property fronting  
16 thereon is occupied by 16 or more separate dwelling houses or  
17 business structures.

18 (C) The portion of highway is longer than one-quarter of a mile  
19 but has the ratio of separate dwelling houses or business structures  
20 to the length of the highway described in either subparagraph (A)  
21 or (B).

22 (2) ~~Pedestrian and bicyclist safety. Safety of bicyclists and~~  
23 ~~pedestrians, with increased consideration for vulnerable pedestrian~~  
24 ~~groups including children, seniors, persons with disabilities, users~~  
25 ~~of personal assistive mobility devices, and the unhoused.~~

26 (d) When conducting an engineering and traffic survey, a local  
27 authority may also consider both of the following:

28 (1) The current or immediately prior speed limit for a section  
29 of highway, as established by a previous engineering and traffic  
30 survey, if a registered engineer has evaluated the section of  
31 highway and determined that no significant design changes, with  
32 the specific intent of increasing the safe operating speed, have  
33 been made to the roadway since completion of the traffic survey  
34 that established the speed limit.

35 (2) Whether the section of highway has been designated by the  
36 local authority as experiencing a high concentration of fatalities  
37 and serious injuries based on recent data.

38 SEC. 2. Section 21400 of the Vehicle Code is amended to read:

39 21400. (a) ~~(1)~~The Department of Transportation shall, after  
40 consultation with local agencies and public hearings, adopt rules

1 and regulations prescribing uniform standards and specifications  
 2 for all official traffic control devices placed pursuant to this code,  
 3 including, but not limited to, stop signs, yield right-of-way signs,  
 4 speed restriction signs, railroad warning approach signs, street  
 5 name signs, lines and markings on the roadway, and stock crossing  
 6 signs placed pursuant to Section 21364.

7 ~~(2)~~

8 (b) The Department of Transportation shall, after notice and  
 9 public hearing, determine and publicize the specifications for  
 10 uniform types of warning signs, lights, and devices to be placed  
 11 upon a highway by a person engaged in performing work that  
 12 interferes with or endangers the safe movement of traffic upon  
 13 that highway.

14 ~~(3)~~

15 (c) Only those signs, lights, and devices as are provided for in  
 16 this section shall be placed upon a highway to warn traffic of work  
 17 that is being performed on the highway.

18 ~~(4)~~

19 (d) Control devices or markings installed upon traffic barriers  
 20 on or after January 1, 1984, shall conform to the uniform standards  
 21 and specifications required by this section.

22 ~~(b) The Department of Transportation shall revise the California~~  
 23 ~~Manual on Uniform Traffic Control Devices, as it read on January~~  
 24 ~~1, 2012, to require the Department of Transportation or a local~~  
 25 ~~authority to round speed limits to the nearest five miles per hour~~  
 26 ~~of the 85th percentile of the free-flowing traffic. However, in cases~~  
 27 ~~in which the speed limit needs to be rounded up to the nearest five~~  
 28 ~~miles per hour increment of the 85th-percentile speed, the~~  
 29 ~~Department of Transportation or a local authority may decide to~~  
 30 ~~instead round down the speed limit to the lower five miles per hour~~  
 31 ~~increment, but then the Department of Transportation or a local~~  
 32 ~~authority shall not reduce the speed limit any further for any reason.~~

33 *SEC. 3. Section 22352 of the Vehicle Code is amended to read:*

34 22352. The prima facie limits are as follows and shall be  
 35 applicable unless changed as authorized in this code and, if so  
 36 changed, only when signs have been erected giving notice thereof:

37 (a) Fifteen miles per hour:

38 (1) When traversing a railway grade crossing, if during the last  
 39 100 feet of the approach to the crossing the driver does not have  
 40 a clear and unobstructed view of the crossing and of any traffic on

1 the railway for a distance of 400 feet in both directions along the  
 2 railway. This subdivision does not apply in the case of any railway  
 3 grade crossing where a human ~~flagman~~ *flagperson* is on duty or a  
 4 clearly visible electrical or mechanical railway crossing signal  
 5 device is installed but does not then indicate the immediate  
 6 approach of a railway train or car.

7 (2) When traversing any intersection of highways if during the  
 8 last 100 feet of the driver's approach to the intersection the driver  
 9 does not have a clear and unobstructed view of the intersection  
 10 and of any traffic upon all of the highways entering the intersection  
 11 for a distance of 100 feet along all those highways, except at an  
 12 intersection protected by stop signs or yield right-of-way signs or  
 13 controlled by official traffic control signals.

14 (3) On any alley.

15 (b) Twenty-five miles per hour:

16 (1) On any ~~highway other than a state~~ highway, in any business  
 17 or residence district unless a different speed is determined by local  
 18 authority *or the Department of Transportation* under procedures  
 19 set forth in this code.

20 (2) When approaching or passing a school building or the  
 21 grounds thereof, contiguous to a highway and posted with a  
 22 standard "SCHOOL" warning sign, while children are going to or  
 23 leaving the school either during school hours or during the noon  
 24 recess period. The prima facie limit shall also apply when  
 25 approaching or passing any school grounds which are not separated  
 26 from the highway by a fence, gate, or other physical barrier while  
 27 the grounds are in use by children and the highway is posted with  
 28 a standard "SCHOOL" warning sign. For purposes of this  
 29 subparagraph, standard "SCHOOL" warning signs may be placed  
 30 at any distance up to 500 feet away from school grounds.

31 (3) When passing a senior center or other facility primarily used  
 32 by senior citizens, contiguous to a street other than a state highway  
 33 and posted with a standard "SENIOR" warning sign. A local  
 34 authority may erect a sign pursuant to this paragraph when the  
 35 local agency makes a determination that the proposed signing  
 36 should be implemented. A local authority may request grant  
 37 funding from the Active Transportation Program pursuant to  
 38 Chapter 8 (commencing with Section 2380) of Division 3 of the  
 39 Streets and Highways Code, or any other grant funding available  
 40 to it, and use that grant funding to pay for the erection of those



1 signs, or may utilize any other funds available to it to pay for the  
2 erection of those signs, including, but not limited to, donations  
3 from private sources.

4 *SEC. 4. Section 22354 of the Vehicle Code is amended to read:*

5 22354. (a) Whenever the Department of Transportation  
6 determines upon the basis of an engineering and traffic survey that  
7 the limit of 65 miles per hour is more than is reasonable or safe  
8 upon any portion of a state highway where the limit of 65 miles  
9 is applicable, the department may determine and declare a prima  
10 facie speed limit of 60, 55, 50, 45, 40, 35, ~~30 or 25~~ 30, 25, 20, or  
11 15 miles per hour, whichever is found most appropriate to facilitate  
12 the orderly movement of traffic and is reasonable and safe, which  
13 declared prima facie speed limit shall be effective when appropriate  
14 signs giving notice thereof are erected upon the highway.

15 (b) This section shall become operative on the date specified in  
16 subdivision (c) of Section 22366.

17 *SEC. 5. Section 22357 of the Vehicle Code is amended to read:*

18 22357. (a) Whenever a local authority determines upon the  
19 basis of an engineering and traffic survey that a speed greater than  
20 25 miles per hour would facilitate the orderly movement of  
21 vehicular traffic and would be reasonable and safe upon any street  
22 other than a state highway otherwise subject to a prima facie limit  
23 of 25 miles per hour, the local authority may by ordinance *or*  
24 *resolution* determine and declare a prima facie speed limit of 30,  
25 35, 40, 45, 50, 55, or 60 miles per hour or a maximum speed limit  
26 of 65 miles per hour, whichever is found most appropriate to  
27 facilitate the orderly movement of traffic and is reasonable and  
28 safe. The declared prima facie or maximum speed limit shall be  
29 effective when appropriate signs giving notice thereof are erected  
30 upon the street and shall not thereafter be revised except upon the  
31 basis of an engineering and traffic survey. This section does not  
32 apply to any 25-mile-per-hour prima facie limit which is applicable  
33 when passing a school building or the grounds thereof or when  
34 passing a senior center or other facility primarily used by senior  
35 citizens.

36 (b) This section shall become operative on the date specified in  
37 subdivision (c) of Section 22366.

38 *SEC. 6. Section 22358 of the Vehicle Code is amended to read:*

39 22358. (a) Whenever a local authority determines upon the  
40 basis of an engineering and traffic survey that the limit of 65 miles

1 per hour is more than is reasonable or safe upon any portion of  
 2 any street other than a state highway where the limit of 65 miles  
 3 per hour is applicable, the local authority may by ordinance *or*  
 4 *resolution* determine and declare a prima facie speed limit of 60,  
 5 55, 50, 45, 40, 35, 30, ~~or 25~~ 25, 20, *or 15* miles per hour, whichever  
 6 is found most appropriate to facilitate the orderly movement of  
 7 traffic and is reasonable and safe, which declared prima facie limit  
 8 shall be effective when appropriate signs giving notice thereof are  
 9 erected upon the street.

10 (b) This section shall become operative on the date specified in  
 11 subdivision (c) of Section 22366.

12 *SEC. 7. Section 22358.4 of the Vehicle Code is amended to*  
 13 *read:*

14 22358.4. (a) (1) Whenever a local authority determines upon  
 15 the basis of an engineering and traffic survey that the prima facie  
 16 speed limit of 25 miles per hour established by subdivision (b) of  
 17 Section 22352 is more than is reasonable or safe, the local authority  
 18 may, by ordinance or resolution, determine and declare a prima  
 19 facie speed limit of 20 or 15 miles per hour, whichever is justified  
 20 as the appropriate speed limit by that survey.

21 (2) An ordinance or resolution adopted under paragraph (1)  
 22 shall not be effective until appropriate signs giving notice of the  
 23 speed limit are erected upon the highway and, in the case of a state  
 24 highway, until the ordinance *or resolution* is approved by the  
 25 Department of Transportation and the appropriate signs are erected  
 26 upon the highway.

27 (b) (1) Notwithstanding subdivision (a) or any other provision  
 28 of law, a local authority may, by ordinance or resolution, determine  
 29 and declare prima facie speed limits as follows:

30 (A) A 15 miles per hour prima facie limit in a residence district,  
 31 on a highway with a posted speed limit of ~~30~~ 35 miles per hour or  
 32 slower, when approaching, at a distance of less than 500 feet from,  
 33 or passing, a school building or the grounds of a school building,  
 34 contiguous to a highway and posted with a school warning sign  
 35 that indicates a speed limit of 15 miles per hour, while children  
 36 are going to or leaving the school, either during school hours or  
 37 during the noon recess period. The prima facie limit shall also  
 38 apply when approaching, at a distance of less than 500 feet from,  
 39 or passing, school grounds that are not separated from the highway  
 40 by a fence, gate, or other physical barrier while the grounds are in

1 use by children and the highway is posted with a school warning  
2 sign that indicates a speed limit of 15 miles per hour.

3 (B) A 25 miles per hour prima facie limit in a residence district,  
4 on a highway with a posted speed limit of ~~30~~ 35 miles per hour or  
5 slower, when approaching, at a distance of 500 to 1,000 feet from,  
6 a school building or the grounds thereof, contiguous to a highway  
7 and posted with a school warning sign that indicates a speed limit  
8 of 25 miles per hour, while children are going to or leaving the  
9 school, either during school hours or during the noon recess period.  
10 The prima facie limit shall also apply when approaching, at a  
11 distance of 500 to 1,000 feet from, school grounds that are not  
12 separated from the highway by a fence, gate, or other physical  
13 barrier while the grounds are in use by children and the highway  
14 is posted with a school warning sign that indicates a speed limit  
15 of 25 miles per hour.

16 (C) A 25 or 20 miles per hour prima facie speed limit on a  
17 highway contiguous to a business activity district when posted  
18 with a sign that indicates a speed limit of 25 or 20 miles per hour.

19 (2) The prima facie limits established under paragraph (1) apply  
20 only to highways that meet all of the following conditions:

21 (A) A maximum of ~~two~~ four traffic lanes.

22 (B) A maximum posted ~~30~~ 35 miles per hour prima facie speed  
23 limit immediately prior to and after the school-~~zone~~: zone or  
24 business activity district.

25 (3) The prima facie limits established under paragraph (1) apply  
26 to all lanes of an affected highway, in both directions of travel.

27 (4) When determining the need to lower the prima facie speed  
28 limit, the local authority shall take the provisions of Section 627  
29 into consideration.

30 (5) (A) An ordinance or resolution adopted under paragraph  
31 (1) shall not be effective until appropriate signs giving notice of  
32 the speed limit are erected upon the highway and, in the case of a  
33 state highway, until the ordinance *or resolution* is approved by the  
34 Department of Transportation and the appropriate signs are erected  
35 upon the highway.

36 (B) For purposes of subparagraph (A) of paragraph (1), school  
37 warning signs indicating a speed limit of 15 miles per hour may  
38 be placed at a distance up to 500 feet away from school grounds.

39 (C) For purposes of subparagraph (B) of paragraph (1), school  
40 warning signs indicating a speed limit of 25 miles per hour may

1 be placed at any distance between 500 and 1,000 feet away from  
2 the school grounds.

3 (D) A local authority shall reimburse the Department of  
4 Transportation for all costs incurred by the department under this  
5 subdivision.

6 (6) *As used in this subdivision, a “business activity district” is*  
7 *that portion of a highway and the property contiguous thereto that*  
8 *includes central or neighborhood downtowns, urban villages, or*  
9 *zoning designations that prioritize commercial land uses at the*  
10 *downtown or neighborhood scale and meets at least three of the*  
11 *following requirements:*

12 (A) *Retail or dining commercial uses, including outdoor dining,*  
13 *that open directly onto sidewalks adjacent to the highway.*

14 (B) *Parking, including parallel, diagonal, or perpendicular*  
15 *spaces, located alongside the highway.*

16 (C) *Traffic control signals or stop signs regulating traffic flow*  
17 *on the highway, located at intervals of no more than 600 feet.*

18 (D) *Marked crosswalks not controlled by a traffic control device.*

19 (E) *Pedestrian density greater than one pedestrian per 100 feet*  
20 *of sidewalk during peak hours.*

21 (F) *Bicycle volume of 10 or more bicycles per hour operating*  
22 *within or passing through during peak hours, including both*  
23 *sidewalk and highway use.*

24 SEC. 8. *Section 22358.6 is added to the Vehicle Code, to read:*

25 22358.6. *The Department of Transportation shall, in the next*  
26 *scheduled revision, revise and thereafter maintain the California*  
27 *Manual on Uniform Traffic Control Devices to require the*  
28 *Department of Transportation or a local authority to round speed*  
29 *limits to the nearest five miles per hour of the 85th percentile of*  
30 *the free-flowing traffic. However, in cases in which the speed limit*  
31 *needs to be rounded up to the nearest five miles per hour increment*  
32 *of the 85th-percentile speed, the Department of Transportation or*  
33 *a local authority may decide to instead round down the speed limit*  
34 *to the lower five miles per hour increment. A local authority may*  
35 *additionally lower the speed limit as provided in Sections 22358.7*  
36 *and 22358.8.*

37 SEC. 9. *Section 22358.7 is added to the Vehicle Code, to read:*

38 22358.7. (a) *If a local authority, after completing an*  
39 *engineering and traffic survey, finds that the speed limit is still*  
40 *more than is reasonable or safe, the local authority may, by*

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1 ordinance or resolution, determine and declare a prima facie speed  
 2 limit that has been reduced an additional five miles per hour for  
 3 either of the following reasons:

4 (1) The portion of highway has been designated as a high-injury  
 5 street.

6 (2) The portion of highway is adjacent to any land or facility  
 7 that generates high concentrations of bicyclists or pedestrians,  
 8 especially those from vulnerable groups such as children, seniors,  
 9 persons with disabilities, and the unhoused.

10 (b) As used in this section, “high-injury” street means a portion  
 11 of highway that, based on at least the immediately preceding three  
 12 years of traffic accident data, is identified and has been adopted  
 13 by the local authority as experiencing a high concentration of  
 14 traffic-related serious injuries and fatalities.

15 SEC. 10. Section 22358.8 is added to the Vehicle Code, to  
 16 read:

17 22358.8. If a local authority, after completing an engineering  
 18 and traffic survey, finds that the speed limit is still more than is  
 19 reasonable or safe, the local authority may, by ordinance or  
 20 resolution, retain the current speed limit or restore the immediately  
 21 prior speed limit if that speed limit was established with an  
 22 engineering and traffic survey and if a registered engineer has  
 23 evaluated the section of highway and determined that no significant  
 24 design changes, with the specific intent of increasing the safe  
 25 operating speed, have been made to the roadway since completion  
 26 of the traffic survey that established the prior speed limit.

27 SEC. 11. Section 22359 of the Vehicle Code is amended to  
 28 read:

29 22359. With respect to boundary line streets and highways  
 30 where portions thereof are within different jurisdictions, ~~no~~ an  
 31 ordinance or resolution adopted under Sections 22357 and 22358  
 32 shall not be effective as to any ~~such~~ portion until all authorities  
 33 having jurisdiction of the portions of the street concerned have  
 34 approved the same. This section shall not apply in the case of  
 35 boundary line streets consisting of separate roadways within  
 36 different jurisdictions.

37 SEC. 12. Section 40802 of the Vehicle Code is amended to  
 38 read:

39 40802. (a) A “speed trap” is either of the following:

1 (1) A particular section of a highway measured as to distance  
 2 and with boundaries marked, designated, or otherwise determined  
 3 in order that the speed of a vehicle may be calculated by securing  
 4 the time it takes the vehicle to travel the known distance.

5 (2) A particular section of a highway with a prima facie speed  
 6 limit that is provided by this code or by local ordinance *or*  
 7 *resolution* under paragraph (1) of subdivision (b) of Section 22352,  
 8 or established under Section 22354, 22357, 22358, or 22358.3, if  
 9 that prima facie speed limit is not justified by an engineering and  
 10 traffic survey conducted within five years prior to the date of the  
 11 alleged violation, and enforcement of the speed limit involves the  
 12 use of radar or any other electronic device that measures the speed  
 13 of moving objects. This paragraph does not apply to a local street,  
 14 road, ~~or school zone: zone, senior zone, or business activity district.~~

15 (b) (1) For purposes of this section, a local street or road is one  
 16 that is functionally classified as “local” on the “California Road  
 17 System Maps,” that are approved by the Federal Highway  
 18 Administration and maintained by the Department of  
 19 Transportation. ~~When a street or road does not appear on the~~  
 20 ~~“California Road System Maps,” it~~ *It may also* be defined as a  
 21 “local street or road” if it primarily provides access to abutting  
 22 residential property and meets the following three conditions:

23 (A) Roadway width of not more than 40 feet.

24 (B) Not more than one-half of a mile of uninterrupted length.  
 25 Interruptions shall include official traffic control signals as defined  
 26 in Section 445.

27 (C) Not more than one traffic lane in each direction.

28 (2) For purposes of this section, “school zone” means that area  
 29 approaching or passing a school building or the grounds thereof  
 30 that is contiguous to a highway and on which is posted a standard  
 31 “SCHOOL” warning sign, while children are going to or leaving  
 32 the school either during school hours or during the noon recess  
 33 period. “School zone” also includes the area approaching or passing  
 34 any school grounds that are not separated from the highway by a  
 35 fence, gate, or other physical barrier while the grounds are in use  
 36 by children if that highway is posted with a standard “SCHOOL”  
 37 warning sign.

38 (3) *For purposes of this section, “senior zone” means that area*  
 39 *approaching or passing a senior center building or other facility*  
 40 *primarily used by senior citizens, or the grounds thereof that is*

1 *contiguous to a highway and on which is posted a standard*  
2 *“SENIOR” warning sign, pursuant to Section 22352.*

3 (4) *For purposes of this section, “business activity district”*  
4 *means a section of highway described in paragraph (6) of*  
5 *subdivision (b) of Section 22358.4 in which a standard 25 miles*  
6 *per hour or 20 miles per hour speed limit sign has been posted*  
7 *pursuant to subparagraph (C) of paragraph (1) of subdivision (b)*  
8 *of that section.*

9 (c) (1) When all of the following criteria are met, paragraph  
10 (2) of this subdivision shall be applicable and subdivision (a) shall  
11 not be applicable:

12 (A) When radar is used, the arresting officer has successfully  
13 completed a radar operator course of not less than 24 hours on the  
14 use of police traffic radar, and the course was approved and  
15 certified by the Commission on Peace Officer Standards and  
16 Training.

17 (B) When laser or any other electronic device is used to measure  
18 the speed of moving objects, the arresting officer has successfully  
19 completed the training required in subparagraph (A) and an  
20 additional training course of not less than two hours approved and  
21 certified by the Commission on Peace Officer Standards and  
22 Training.

23 (C) (i) The prosecution proved that the arresting officer  
24 complied with subparagraphs (A) and (B) and that an engineering  
25 and traffic survey has been conducted in accordance with  
26 subparagraph (B) of paragraph (2). The prosecution proved that,  
27 prior to the officer issuing the notice to appear, the arresting officer  
28 established that the radar, laser, or other electronic device  
29 conformed to the requirements of subparagraph (D).

30 (ii) The prosecution proved the speed of the accused was unsafe  
31 for the conditions present at the time of alleged violation unless  
32 the citation was for a violation of Section 22349, 22356, or 22406.

33 (D) The radar, laser, or other electronic device used to measure  
34 the speed of the accused meets or exceeds the minimal operational  
35 standards of the National Highway Traffic Safety Administration,  
36 and has been calibrated within the three years prior to the date of  
37 the alleged violation by an independent certified laser or radar  
38 repair and testing or calibration facility.

39 (2) A “speed trap” is either of the following:

1 (A) A particular section of a highway measured as to distance  
 2 and with boundaries marked, designated, or otherwise determined  
 3 in order that the speed of a vehicle may be calculated by securing  
 4 the time it takes the vehicle to travel the known distance.

5 (B) (i) A particular section of a highway or state highway with  
 6 a prima facie speed limit that is provided by this code or by local  
 7 ordinance *or resolution* under paragraph (1) of subdivision (b) of  
 8 Section 22352, or established under Section 22354, 22357, 22358,  
 9 or 22358.3, if that prima facie speed limit is not justified by an  
 10 engineering and traffic survey conducted within one of the  
 11 following time periods, prior to the date of the alleged violation,  
 12 and enforcement of the speed limit involves the use of radar or  
 13 any other electronic device that measures the speed of moving  
 14 objects:

15 (I) Except as specified in subclause (II), seven years.

16 (II) If an engineering and traffic survey was conducted more  
 17 than seven years prior to the date of the alleged violation, and a  
 18 registered engineer evaluates the section of the highway and  
 19 determines that no significant changes in roadway or traffic  
 20 conditions have occurred, including, but not limited to, changes  
 21 in adjoining property or land use, roadway width, or traffic volume,  
 22 ~~14~~ 14 years.

23 (ii) This subparagraph does not apply to a local street, road, or  
 24 school ~~zone~~, *zone, senior zone, or business activity district*.

25 *SEC. 13. If the Commission on State Mandates determines that*  
 26 *this act contains costs mandated by the state, reimbursement to*  
 27 *local agencies and school districts for those costs shall be made*  
 28 *pursuant to Part 7 (commencing with Section 17500) of Division*  
 29 *4 of Title 2 of the Government Code.*

30 ~~SECTION 1. Section 14033.5 is added to the Government~~  
 31 ~~Code, to read:~~

32 ~~14033.5. Beginning June 1, 2022, and every six months~~  
 33 ~~thereafter, the department shall convene a committee of external~~  
 34 ~~design experts to advise on revisions to the Highway Design~~  
 35 ~~Manual.~~

36 ~~SEC. 2. Section 2904.5 is added to the Vehicle Code, to read:~~

37 ~~2904.5. The California Traffic Safety Program shall include a~~  
 38 ~~traffic safety monitoring program that identifies and addresses~~  
 39 ~~locations with pedestrian and bicyclist-related crashes, upon~~  
 40 ~~appropriation of state funds for this purpose.~~



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1 SEC. 3. Section 40802 of the Vehicle Code is amended to read:  
 2 40802. (a) A “speed trap” is either of the following:

3 (1) A particular section of a highway measured as to distance  
 4 and with boundaries marked, designated, or otherwise determined  
 5 in order that the speed of a vehicle may be calculated by securing  
 6 the time it takes the vehicle to travel the known distance.

7 (2) (A) A particular section of a highway with a prima facie  
 8 speed limit that is provided by this code or by local ordinance  
 9 under paragraph (1) of subdivision (b) of Section 22352, or  
 10 established under Section 22354, 22357, 22358, or 22358.3, if that  
 11 prima facie speed limit is not justified by an engineering and traffic  
 12 survey conducted within five years prior to the date of the alleged  
 13 violation, and enforcement of the speed limit involves the use of  
 14 radar or any other electronic device that measures the speed of  
 15 moving objects. This paragraph does not apply to a local street,  
 16 road, or school zone.

17 (B) If a registered engineer evaluates the section of the highway  
 18 and finds there has been an increase in traffic-related crashes, the  
 19 prima facie speed limit may be justified by an engineering and  
 20 traffic survey conducted every 10 years.

21 (b) (1) For purposes of this section, a local street or road is one  
 22 that is functionally classified as “local” on the “California Road  
 23 System Maps,” that are approved by the Federal Highway  
 24 Administration and maintained by the Department of  
 25 Transportation. When a street or road does not appear on the  
 26 “California Road System Maps,” it may be defined as a “local  
 27 street or road” if it primarily provides access to abutting residential  
 28 property and meets the following three conditions:

29 (A) Roadway width of not more than 40 feet.

30 (B) Not more than one-half of a mile of uninterrupted length.  
 31 Interruptions shall include official traffic control signals as defined  
 32 in Section 445.

33 (C) Not more than one traffic lane in each direction.

34 (2) For purposes of this section, “school zone” means that area  
 35 approaching or passing a school building or the grounds thereof  
 36 that is contiguous to a highway and on which is posted a standard  
 37 “SCHOOL” warning sign, while children are going to or leaving  
 38 the school either during school hours or during the noon recess  
 39 period. “School zone” also includes the area approaching or passing  
 40 any school grounds that are not separated from the highway by a

1 fence, gate, or other physical barrier while the grounds are in use  
 2 by children if that highway is posted with a standard “SCHOOL”  
 3 warning sign.

4 (e) (1) When all of the following criteria are met, paragraph  
 5 (2) of this subdivision shall be applicable and subdivision (a) shall  
 6 not be applicable:

7 (A) When radar is used, the arresting officer has successfully  
 8 completed a radar operator course of not less than 24 hours on the  
 9 use of police traffic radar, and the course was approved and  
 10 certified by the Commission on Peace Officer Standards and  
 11 Training.

12 (B) When laser or any other electronic device is used to measure  
 13 the speed of moving objects, the arresting officer has successfully  
 14 completed the training required in subparagraph (A) and an  
 15 additional training course of not less than two hours approved and  
 16 certified by the Commission on Peace Officer Standards and  
 17 Training.

18 (C) (i) The prosecution proved that the arresting officer  
 19 complied with subparagraphs (A) and (B) and that an engineering  
 20 and traffic survey has been conducted in accordance with  
 21 subparagraph (B) of paragraph (2). The prosecution proved that,  
 22 prior to the officer issuing the notice to appear, the arresting officer  
 23 established that the radar, laser, or other electronic device  
 24 conformed to the requirements of subparagraph (D).

25 (ii) The prosecution proved the speed of the accused was unsafe  
 26 for the conditions present at the time of alleged violation unless  
 27 the citation was for a violation of Section 22349, 22356, or 22406.

28 (D) The radar, laser, or other electronic device used to measure  
 29 the speed of the accused meets or exceeds the minimal operational  
 30 standards of the National Highway Traffic Safety Administration,  
 31 and has been calibrated within the three years prior to the date of  
 32 the alleged violation by an independent certified laser or radar  
 33 repair and testing or calibration facility.

34 (2) A “speed trap” is either of the following:

35 (A) A particular section of a highway measured as to distance  
 36 and with boundaries marked, designated, or otherwise determined  
 37 in order that the speed of a vehicle may be calculated by securing  
 38 the time it takes the vehicle to travel the known distance.

39 (B) (i) A particular section of a highway or state highway with  
 40 a prima facie speed limit that is provided by this code or by local

1 ordinance under paragraph (1) of subdivision (b) of Section 22352,  
2 or established under Section 22354, 22357, 22358, or 22358.3, if  
3 that prima facie speed limit is not justified by an engineering and  
4 traffic survey conducted within one of the following time periods,  
5 prior to the date of the alleged violation, and enforcement of the  
6 speed limit involves the use of radar or any other electronic device  
7 that measures the speed of moving objects:  
8 (I) Except as specified in subclause (II) or (III), seven years.  
9 (II) If an engineering and traffic survey was conducted more  
10 than seven years prior to the date of the alleged violation, and a  
11 registered engineer evaluates the section of the highway and  
12 determines that no significant changes in roadway or traffic  
13 conditions have occurred, including, but not limited to, changes  
14 in adjoining property or land use, roadway width, or traffic volume,  
15 10 years.  
16 (III) If a registered engineer evaluates the section of the highway  
17 or state highway and finds there has been an increase in  
18 traffic-related crashes, the prima facie speed limit may be justified  
19 by an engineering and traffic survey conducted every 15 years.  
20 (ii) This subparagraph does not apply to a local street, road, or  
21 school zone.

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## AB 43 – Setting Speed Limits to Enhance Traffic Safety

### **Summary:**

According to the National Transportation Safety Board, speeding accounts for nearly a third of all traffic fatalities. AB 43 implements policy recommendations from the California Transportation Agency as outlined in the Zero Traffic Fatalities Task Force by providing for more flexibility on setting speed limits based on safety.

### **Background:**

California has based its speed limits using a decades old process known as the 85<sup>th</sup> percentile. Traffic surveyors would measure the speed drivers were driving at and set the speed limit to reflect what 85% of drivers were driving at. At the time this was believed to be the safest speed.

Speed limits, however, are not set based on safety, but rather on the speed driver's feel comfortable driving at, and transportation experts today widely reject the notion that the 85<sup>th</sup> percentile speed is the safest speed. The National Transportation Safety Board (NTSB), the National Association of City Transportation Safety Officials and California Transportation Agency (CalSTA) have all concluded we need to reform the way speed limits are set.

The faster a vehicle goes, the chances of survival in a car crash decreases tremendously, especially for vulnerable road users such as pedestrians, bicyclists, seniors and children. According to research conducted by AAA, a person struck by a vehicle going 32.5 mph has a 75% chance of surviving; the survival rate plummets to 50% if the vehicle is going only 8 mph faster. The survival rate is only 10% if the vehicle is travelling at 55 mph.

According to NTSB, Speeding is a factor in 31% of all traffic fatalities. Empty roads due to the COVID-

19 lockdowns led to a significant increases in speeding, with a corresponding increase in fatalities. According to the National Safety Council, vehicle miles traveled dropped 13% in 2020, but the mileage death rate went up 24%, the highest estimated year-over-year jump in 96 years. Over 42 thousand Americans lost their lives to traffic violence in 2020, and an estimated 4.8 million additional road users were seriously injured last year.

One of the proven ways to slow drivers down is to enforce speed limits. However, California law requires cities to conduct a speed survey every 10 years in order for a speed limit to be enforceable, even if no changes have been made to the roadway. In some instances, the lack of enforcement causes drivers to increase their speed further, forcing cities to increase their speed limits in order to enforce them. Los Angeles alone had to increase their speed limits on nearly 200 miles of streets just to enforce the speed limits they have.

Reducing speed limits has been shown to reduce both injuries and fatalities on the road. According to the University of California Institute of Traffic Studies, research has shown reducing speed limits on limited access roads by 5 miles per hour can reduce injuries between 8% and 15%, with some studies finding reductions as great as 28% and 39%. A range of research also suggests lowering speed limits may result in the number of fatalities dropping by 10% to 30%, with one outlier study showing an 80% reduction in fatalities.

AB 2363 (Friedman), Chapter 650, Statutes of 2018, required CalSTA to convene the Zero Traffic Fatalities Task Force to make recommendations to the Legislature on what reforms the state should make to change the way we set speed limits.

**AB 43 (as amended on 3/22/2021):**

- Requires traffic surveyors to take into account the presence of vulnerable groups, including children, seniors, the unhoused and persons with disabilities when setting speed limits;
- Permits cities to lower speed limits beyond the 85<sup>th</sup> percentile on streets with high injuries and fatalities, and ensures they will never again have to raise a speed limit on any road if there have been no design changes; and limits the need for updated traffic surveys on certain streets; and
- Provides for greater flexibility in setting school speed limits to protect children.

**Support:**

San Francisco Municipal Transportation Agency  
Southern California Association of Governments

**Contact:**

Julia Kingsley and David Sforza  
Assembly Transportation Committee  
916.319.2093  
Julia.Kingsley@asm.ca.gov  
David.Sforza@asm.ca.gov

Jim Metropulos  
Office of Assemblymember Laura Friedman  
916.319.2043  
Jim.Metropulos@asm.ca.gov





Office of the Mayor

CONSENT CALENDAR  
May 11, 2021

To: Honorable Members of the City Council  
 From: Mayor Jesse Arreguín  
 Subject: Support of AB 629 - Seamless and Resilient Transit Act

RECOMMENDATION

Adopt a Resolution in support of AB 629 (Chiu), which would require the Metropolitan Transportation Commission to designate transit priority corridors to support fast and reliable transit service and to create a pilot of a multi-operator transit fare pass. Send a copy of the Resolution to Assemblymembers David Chiu and Buffy Wicks, State Senator Nancy Skinner and Governor Gavin Newsom.

BACKGROUND

The Bay Area's transportation network is a connected by different agencies with varied fare structures. While efforts have been made to improve integration, such as the creation of the Clipper Card navigating the system can still be a deterrent to the use of public transit.

AB 629, introduced by Assemblymember David Chiu, aims to make public transit in the Bay Area more integrated, seamless, and user friendly. The bill would require the Metropolitan Transportation Commission (MTC) to move forward on a variety of programs to reach this goal, including:

- Establishing and maintaining a transit priority network for the San Francisco Bay area that designates corridors that will most benefit from interventions to support fast and reliable transit service.
- Developing a pilot program to have an integrated fare system that would allow commuters to travel on multiple transit agencies on a fixed fare.
- Developing a comprehensive, standardized regional transit mapping and wayfinding system.

AB 629 is based off of AB 2057, which was introduced in February 2020 but shelved as a result of the COVID-19 pandemic. In May 2020, MTC launched the Blue Ribbon Transit Recovery Task Force aimed at coordinating transit recovery efforts and identifying reforms that would position the Bay Area's transit system to emerge from the pandemic stronger and more connected than before. This bill aims to work in tandem with the work of the Task Force.

FINANCIAL IMPLICATIONS

None

ENVIRONMENTAL SUSTAINABILITY

Transportation emissions account for approximately 60% of Berkeley's greenhouse gas emissions. Improving accessibility to public transit will promote the use of alternative forms of transportation, reducing commuter carbon footprints.

CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

Attachments:

- 1: Resolution
- 2: Text of AB 629



RESOLUTION NO. ##,###-N.S.

IN SUPPORT OF AB 629

WHEREAS, the Bay Area is home to multiple transit agencies, each with their own fare structures which can be discouraging for commuters who need to travel on multiple systems; and

WHEREAS, efforts to improve the integration of the region's transit agencies have taken place, such as the Clipper Card program that is used by most transit agencies; and

WHEREAS, AB 629, introduced by Assemblymember David Chiu, aims to make public transit in the Bay Area more integrated, seamless, and user friendly; and

WHEREAS, the bill will require the Metropolitan Transportation Commission to undertake several goals, including

- Establishing and maintaining a transit priority network for the San Francisco Bay area that designates corridors that will most benefit from interventions to support fast and reliable transit service;
- Developing a pilot program to have an integrated fare system that would allow commuters to travel on multiple transit agencies on a fixed fare;
- Developing a comprehensive, standardized regional transit mapping and wayfinding system.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby supports AB 629.

BE IT FURTHER RESOLVED that copies of the Resolution be sent to Assemblymembers David Chiu and Buffy Wicks, State Senator Nancy Skinner, and Governor Gavin Newsom.

AMENDED IN ASSEMBLY MARCH 22, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 629**

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**Introduced by Assembly Member Chiu**

February 12, 2021

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An act to amend Section ~~66411.1~~ of the Government Code, relating to ~~land use~~, 66502 of, and to add Sections 66501, 66513.3, 66516.1, 66516.7, and 66516.9 to, the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 629, as amended, Chiu. ~~Subdivisions: local ordinances. San Francisco Bay area: public transportation.~~

(1) Existing law creates the Metropolitan Transportation Commission as a local area planning agency for the 9-county San Francisco Bay area with comprehensive regional transportation planning and other related responsibilities. Existing law creates various transit districts located in the San Francisco Bay area, with specified powers and duties relative to providing public transit services.

Existing law requires the commission to develop regional transit service objectives, develop performance measures of efficiency and effectiveness, specify uniform data requirements to assess public transit service benefits and costs, and formulate procedures for establishing regional transportation priorities in the allocation of funds for transportation purposes.

This bill would require the commission to consult with transit agencies, local jurisdictions, county transportation agencies, and the general public to establish and maintain a transit priority network for

*the San Francisco Bay area that designates corridors that will most benefit from interventions to support fast and reliable transit service.*

*(2) Existing law requires the Metropolitan Transportation Commission, in coordination with a specified regional transit coordinating council, to adopt rules and regulations to promote the coordination of fares and schedules for all public transit systems within its jurisdiction.*

*This bill would require the commission on or before February 1, 2022, to submit a copy of a specified transit fare study undertaken by the commission to certain committees of the Legislature. The bill would require the commission to submit a report on or before January 1, 2023, to those entities on the progress of implementing the recommendations of that study.*

*The bill would require the commission, on or before July 1, 2023, to create a pilot program to implement an accumulator pass among multiple operators providing service in at least 3 adjacent counties.*

*(3) Existing law authorizes the Metropolitan Transportation Commission to improve service coordination and effectiveness in specified transit corridors by recommending improvements in those corridors, including the reduction of duplicative service and institution of coordinated service across public transit system boundaries.*

*This bill would require the commission, in consultation with transit agencies, on or before July 1, 2024, to develop a comprehensive, standardized regional transit mapping and wayfinding system and to develop an implementation and maintenance strategy and funding plan for deployment of the system. The bill would require each transit agency to use only this system by July 1, 2025, unless the commission adopts a schedule that sets out an alternate deployment timeline.*

*The bill would require a transit operator in the San Francisco Bay area to use open data standards to make available all routes, schedules, and fares in a specified data format and to track actual transmission of real-time information by transit vehicles and report that information to the commission to ensure that schedule predictions are available. The bill would require the commission to coordinate these activities and to develop an implementation and funding plan for deployment of real-time information.*

*(4) Existing law authorizes a regional transportation agency or the Department of Transportation to apply to the California Transportation Commission to develop and operate high-occupancy toll lanes or other toll facilities.*

*The bill would require, on or before January 1, 2024, the Metropolitan Transportation Commission, in partnership with the Department of Transportation and the operators of managed lanes in the San Francisco Bay area, to take specified steps to ensure the regional managed lanes network supports seamless operation of high-capacity transit.*

*(5) By imposing new duties on local agencies, this bill would impose a state-mandated local program.*

*(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

~~The Subdivision Map Act provides that when a local ordinance requires improvements for a division of land which is not a subdivision of 5 or more lots, regulations must be limited to the dedication of rights-of-way, easements, and the construction of reasonable offsite and onsite improvements of the parcels being created. Existing law provides that a subdivider is not required to fulfill those construction requirements until a permit or other grant of approval for development of the parcel is issued, unless otherwise provided by ordinance.~~

~~This bill would make nonsubstantive changes to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. *This act shall be known, and may be cited, as the*  
2 *Seamless and Resilient Bay Area Transit Act.*

3     SEC. 2. *The Legislature finds and declares all of the following:*

4     (a) *Transit connectivity and integration in the nine-county San*  
5 *Francisco Bay area has been a longstanding challenge. Legislative*  
6 *efforts to mandate and incentivize coordination between dozens*  
7 *of disparate transit agencies date back to 1996 and earlier.*

8     (b) *Low-income residents, many of whom have experienced*  
9 *displacement and have long commutes requiring many transfers,*  
10 *are among the most adversely affected by the fragmentation,*  
11 *experiencing a significant financial burden from needing to pay*

1 *multiple separate transit fares or being forced into costly vehicle*  
2 *ownership.*

3 *(c) As of 2017, only 5 percent of all trips in the San Francisco*  
4 *Bay area were made using transit. Per-capita transit ridership in*  
5 *the region decreased 12 percent between 1991 and 2016. “Plan*  
6 *Bay Area 2050,” prepared by the Metropolitan Transportation*  
7 *Commission, has identified that to achieve climate, equity and*  
8 *economic goals, the share of commuters who travel by transit must*  
9 *increase from 13 percent in 2015 to at least 20 percent by 2050.*

10 *(d) With 31 percent of bay area essential workers relying on*  
11 *public transit to get to work, transit plays a critical role during*  
12 *emergencies. Close coordination among agencies facilitates*  
13 *prioritization of critical needs, efficient deployment of resources,*  
14 *and clear communication to customers.*

15 *(e) In response to the COVID-19 pandemic, in May 2020, the*  
16 *Metropolitan Transportation Commission convened a 32-member*  
17 *Blue Ribbon Transit Recovery Task Force composed of transit*  
18 *agency managers, advocates, and elected officials, aimed at*  
19 *coordinating transit recovery efforts and identifying reforms that*  
20 *would position the bay area’s transit system to emerge from the*  
21 *pandemic stronger and more connected than before.*

22 *(f) In November 2020, the Blue Ribbon Transit Recovery Task*  
23 *Force adopted a vision of transit transformation to “design,*  
24 *adequately invest in and effectively manage a public transit*  
25 *network that is inclusive, appropriately frequent, accessible,*  
26 *reliable, and integrated with unified service, fares, schedules,*  
27 *customer information and identity, serving all bay area*  
28 *populations, resulting in increased transit ridership and reduced*  
29 *growth in vehicle miles traveled.”*

30 *SEC. 3. It is the intent of the Legislature to enact subsequent*  
31 *legislation that would do the following:*

32 *(a) Support the adopted vision and goals of the Blue Ribbon*  
33 *Transit Recovery Task Force to enable the creation of a*  
34 *high-ridership, reliable, accessible, resilient, and seamlessly*  
35 *integrated public transportation system in the nine-county San*  
36 *Francisco Bay area.*

37 *(b) Institutionalize transit system network management for the*  
38 *nine-county San Francisco Bay area, informed by the*  
39 *recommendations of the Transit Transformation Action Plan*  
40 *prepared by the Blue Ribbon Transit Recovery Task Force and*

1 *subsequent action taken by the Metropolitan Transportation*  
 2 *Commission.*

3 *SEC. 4. Section 66501 is added to the Government Code, to*  
 4 *read:*

5 *66501. The Legislature finds and declares that it is the policy*  
 6 *of the state that all transportation agencies in the region, including*  
 7 *the commission, congestion management agencies, and transit*  
 8 *agencies, work toward the following goals:*

9 *(a) Integrate all transit in the region to operate as one seamless,*  
 10 *easy-to-use, multimodal transit system from the perspective of the*  
 11 *user.*

12 *(b) Equitably expand and improve access to high-quality,*  
 13 *reliable, and affordable public transportation.*

14 *(c) Prioritize institutional reforms that support the creation of*  
 15 *a more seamless and resilient public transportation network.*

16 *SEC. 5. Section 66502 of the Government Code is amended to*  
 17 *read:*

18 *66502. (a) There is hereby created, as a local area planning*  
 19 *agency and not as a part of the executive branch of the state*  
 20 *government, the Metropolitan Transportation Commission to*  
 21 *provide comprehensive regional transportation planning for the*  
 22 *region comprised of the City and County of San Francisco and the*  
 23 *Counties of Alameda, Contra Costa, Marin, Napa, San Mateo,*  
 24 *Santa Clara, Solano, and Sonoma.*

25 *As used in this title, “region” means the region described in this*  
 26 *section.*

27 *(b) For purposes of this title, the following definitions apply:*

28 *(1) “Commission” means the Metropolitan Transportation*  
 29 *Commission.*

30 *(2) “Region” means the region described in subdivision (a).*

31 *SEC. 6. Section 66513.3 is added to the Government Code, to*  
 32 *read:*

33 *66513.3. (a) The commission shall consult with transit*  
 34 *agencies, local jurisdictions, county transportation agencies, and*  
 35 *the general public to establish and maintain a transit priority*  
 36 *network for the region that designates corridors that will most*  
 37 *benefit from interventions to support fast and reliable transit*  
 38 *service. Interventions include roadway management, bus*  
 39 *infrastructure improvements, right-of-way designations, traffic*  
 40 *signal operations, traffic and parking enforcement, parking*

1 restrictions, and other actions designed to provide faster and more  
 2 reliable transit travel. In designating corridors as part of the transit  
 3 priority network, the commission shall do all of the following:

4 (1) Consider transit ridership, equity, network connectivity,  
 5 current and future growth patterns, and the importance of the  
 6 segment to the overall transit network.

7 (2) Evaluate all road segments nominated by transit agencies,  
 8 local jurisdictions, and county transportation agencies.

9 (3) Consider for inclusion any high-quality bus corridor, as  
 10 defined in Section 65913.15.

11 (4) Include transit corridors funded through the Solutions for  
 12 Congested Corridors Program (Chapter 8.5 (commencing with  
 13 Section 2390) of Division 3 of the Streets and Highways Code).

14 (b) On or before January 1, 2024, the commission shall, in  
 15 partnership with the Department of Transportation and the  
 16 operators of managed lanes in the region, take the following steps  
 17 to ensure the regional managed lanes network supports seamless  
 18 operation of high-capacity transit:

19 (1) Develop regional policy goals, performance measures, and  
 20 targets that will guide decisionmaking for the buildout and  
 21 operation of the regional managed lanes network.

22 (2) Initiate a process with the Department of Transportation  
 23 and the Department of the California Highway Patrol to establish  
 24 options for delivering managed lanes that support reliable bus  
 25 travel while minimizing roadway expansions that may increase  
 26 vehicle miles traveled.

27 (3) Submit a report to the Legislature recommending changes  
 28 to state and federal law that would support a more efficient and  
 29 sustainable regional managed lanes network and regional  
 30 high-capacity transit in compliance with Section 9795. The report  
 31 shall also be submitted to the Senate Committee on Transportation,  
 32 the Assembly Committee on Transportation, and relevant  
 33 committees of the United States Congress.

34 SEC. 7. Section 66516.1 is added to the Government Code, to  
 35 read:

36 66516.1. (a) The Legislature finds and declares both of the  
 37 following:

38 (1) Transit riders in the region face a confusing array of fares,  
 39 significant variability in price for the same distance and transit

1 mode, 16 different youth discount rates, and 14 different senior  
2 discount rates.

3 (2) While many transit agencies' discount programs aim to  
4 advance equity and expand access to disadvantaged populations,  
5 the lack of an integrated fare structure punishes low-income riders  
6 who commute across transit agency boundaries.

7 (b) On or before February 1, 2022, the commission shall submit  
8 a copy of the study entitled the Fare Coordination and Integration  
9 Study and Business Case to the Senate Committee on  
10 Transportation, and the Assembly Committee on Transportation.

11 (c) On or before January 1, 2023, the commission shall submit  
12 a report to the Senate Committee on Transportation and the  
13 Assembly Committee on Transportation on the progress of  
14 implementing the recommendations included in the study described  
15 in subdivision (b).

16 (d) On or before July 1, 2023, the commission shall create a  
17 pilot program to implement an accumulator pass among multiple  
18 operators providing service in at least three adjacent counties.

19 (e) For purposes of this section, "accumulator pass" means a  
20 fare product that charges users for their transit usage on a per-trip  
21 basis, but limits total user costs to a daily, weekly, or monthly  
22 maximum amount, with the goal of incentivizing and rewarding  
23 frequent transit use.

24 SEC. 8. Section 66516.7 is added to the Government Code, to  
25 read:

26 66516.7. (a) The Legislature finds and declares both of the  
27 following:

28 (1) The lack of a universal regional transit map and common  
29 wayfinding format at transit stops and stations in the region adds  
30 to the fragmented experience transit riders encounter, especially  
31 when planning a trip across multiple operators.

32 (2) Research has shown that the way transit lines and stations  
33 are displayed on maps strongly influences how travelers use the  
34 system.

35 (b) The commission, in consultation with transit agencies, shall,  
36 on or before July 1, 2024, do both of the following:

37 (1) Develop a comprehensive, standardized regional transit  
38 mapping and wayfinding system, including common branding for  
39 regional transit service and a shared digital mapping platform.  
40 Standards and resources shall be developed to display this



1 *information on print, digital, and interactive media. The system*  
 2 *shall identify the standards that are required and the standards*  
 3 *that allow for customization.*

4 *(2) Develop an implementation and maintenance strategy and*  
 5 *funding plan to deploy the comprehensive, standardized regional*  
 6 *transit mapping and wayfinding system. The commission may*  
 7 *adopt a phased deployment of the system.*

8 *(c) Each transit agency shall use only the comprehensive,*  
 9 *standardized regional transit mapping and wayfinding system by*  
 10 *July 1, 2025, unless the commission adopts a schedule that sets*  
 11 *out an alternate deployment timeline.*

12 *SEC. 9. Section 66516.9 is added to the Government Code, to*  
 13 *read:*

14 *66516.9. (a) The Legislature finds and declares all of the*  
 15 *following:*

16 *(1) Studies have shown that travelers view the wait time at a*  
 17 *transit stop as the most inconvenient part of the transit journey*  
 18 *experience.*

19 *(2) Despite best efforts by the transit operators to adhere to*  
 20 *their published schedules, the conditions on the roadway, including*  
 21 *congestion and other unplanned delays, create unpredictability*  
 22 *for on-time arrivals.*

23 *(3) The development of technology enabling real-time transit*  
 24 *information, including arrival and departure predictions, vehicle*  
 25 *locations, occupancy, and service alerts, has created an*  
 26 *opportunity for transit agencies to alleviate the wait-time*  
 27 *frustrations and provide riders with other useful trip information.*

28 *(4) Transit riders should have access to consistent and uniform*  
 29 *real-time information across all transit services in the region.*

30 *(b) A transit operator in the region shall, on or before January*  
 31 *1, 2023, do all of the following:*

32 *(1) Use open data standards to make available all routes,*  
 33 *schedules, and fares in the General Transit Feed Specification*  
 34 *(GTFS) data format.*

35 *(2) Make real-time transit vehicle data available in*  
 36 *GTFS-Realtime or a similar data format considered best practice*  
 37 *in the industry.*

38 *(3) Track actual transmission of real-time information by transit*  
 39 *vehicles and report that information to the commission to ensure*  
 40 *that schedule predictions are available.*

1 (c) *The commission shall coordinate the activities of transit*  
 2 *operators pursuant to subdivision (b), serve as the point of contact*  
 3 *for data development and dissemination to third parties, and*  
 4 *develop an implementation and funding plan for deployment of*  
 5 *real-time information.*

6 *SEC. 10. If the Commission on State Mandates determines that*  
 7 *this act contains costs mandated by the state, reimbursement to*  
 8 *local agencies and school districts for those costs shall be made*  
 9 *pursuant to Part 7 (commencing with Section 17500) of Division*  
 10 *4 of Title 2 of the Government Code.*

11 ~~SECTION 1. Section 66411.1 of the Government Code is~~  
 12 ~~amended to read:~~

13 ~~66411.1. (a) Notwithstanding Section 66428, whenever a local~~  
 14 ~~ordinance requires improvements for a division of land that is not~~  
 15 ~~a subdivision of five or more lots, the regulations shall be limited~~  
 16 ~~to the dedication of rights-of-way, easements, and the construction~~  
 17 ~~of reasonable offsite and onsite improvements for the parcels being~~  
 18 ~~created. Requirements for the construction of offsite and onsite~~  
 19 ~~improvements shall be noticed by a statement on the parcel map,~~  
 20 ~~on the instrument evidencing the waiver of the parcel map, or by~~  
 21 ~~a separate instrument and shall be recorded on, concurrently with,~~  
 22 ~~or prior to the parcel map or instrument of waiver of a parcel map~~  
 23 ~~being filed for record.~~

24 ~~(b) Notwithstanding Section 66428, fulfillment of the~~  
 25 ~~construction requirements shall not be required until a permit or~~  
 26 ~~other grant of approval for development of the parcel is issued by~~  
 27 ~~the local agency or, where provided by local ordinances, until the~~  
 28 ~~construction of the improvements is required pursuant to an~~  
 29 ~~agreement between the subdivider and the local agency, except~~  
 30 ~~that in the absence of an agreement, a local agency may require~~  
 31 ~~fulfillment of the construction requirements within a reasonable~~  
 32 ~~time following approval of the parcel map and prior to the issuance~~  
 33 ~~of a permit or other grant of approval for the development of a~~  
 34 ~~parcel upon a finding by the local agency that fulfillment of the~~  
 35 ~~construction requirements is necessary for either of the following~~  
 36 ~~reasons:~~

37 ~~(1) The public health and safety.~~

**AB 629**

— 10 —

- 1    ~~(2) The required construction is a necessary prerequisite to the~~
- 2    ~~orderly development of the surrounding area.~~

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Office of the City Manager

CONSENT CALENDAR

May 11, 2021

To: Honorable Mayor and Members of the City Council

From: Mental Health Commission

Submitted by: Councilmember Terry Taplin

Subject: Proclaiming May 2021 as Mental Health Month

RECOMMENDATION

Adopt a Resolution proclaiming May 2021 as Mental Health Month in the City of Berkeley.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The Substance Abuse and Mental Health Services Administration (SAMHSA) has determined that persons diagnosed with severe mental illness have a life expectancy of 25 years less than members of the general public. Through their National 10 x 10 Campaign they are bringing awareness to this devastating fact and have pledged to decrease that disparity by ten years in the next ten years. In the City's Mental Health Division many mental health clients also have co-occurring addiction disorders, exacerbating existing barriers to recovery and increasing the disparity in their life expectancy.

Mental Health America, an organization working to improve the mental health of all Americans, began observance of Mental Health Month during the month of May in 1949. Their primary goal was to promote awareness of mental health conditions and mental wellness for all. Local government agencies, public and private institutions, businesses and schools join in this annual campaign to raise public awareness and understanding of mental health and illness, and to reduce the stigma associated with mental health problems and treatment. Council is requested to join in this national campaign in order to promote increased awareness of mental health and mental disabilities in the City of Berkeley.

BACKGROUND

The mental health and well-being of the City of Berkeley's residents is a critical issue that affects not only quality of life, but also the health of our communities, families, and economic stability. Mental disorders and mental health problems affect residents of all backgrounds and all stages of life, and no one is immune from its affects. The World

Health Organization (WHO) found that mental illnesses is the top ranking cause of disability in the United States and the most prevalent health problem in America today – more common than cancer, lung and heart disease combined. Nationally, one in four adults lives with a diagnosable, treatable mental health condition. According to WHO, in a typical workplace with 20 employees, four will likely develop a mental illness this year. More than three out of four employees who seek care for workplace issues or mental health problems see substantial improvement in work performance after treatment. Although mental health treatment has been shown to be effective, an estimated two-thirds of adults and young people with mental health challenges are not receiving the care they need to improve their lives significantly.

Socioeconomic inequalities and disparities in health have been widening for decades. In the United States, the data consistently show that people living in poverty, and particularly those who are members of minority communities, bear a disproportionate burden of exposure to unhealthy environments and are at greater risk for mental and behavioral health-related conditions. The Health, Housing & Community Services (HHCS) Mental Health Division has recently initiated a Health Equity Committee to assess and address inequities in access to mental health services.

The City of Berkeley Mental Health Division has been engaged in Mental Health Services Act (MHSA) planning and implementation in recent years, with the intent to identify areas of greatest need and to increase effective mental health services that promote mental health recovery. The Mental Health Division will continue to participate in a comprehensive and inclusive planning process to transform services provided by the Mental Health Division in alignment with core MHSA principles.

To strengthen the Berkeley community, the Mental Health Division also provides Mental Health First Aid training to enable community members to better assist their friends, family and neighbors who may have signs and symptoms of a mental health crisis or illness. The Mental Health First Aid Training teaches participants how to use a 5-step action plan to help connect a person in distress to appropriate professional, peer, social or self-help care.

The basis for a Citywide May is Mental Health Month proclamation is to increase awareness of the importance of mental health, and that mental health and physical health go hand-in-hand. This awareness helps to demonstrate commitment and support to Berkeley residents who have a mental illness and their families. This event also promotes hope and encourages those with mental illness to recover and become productive members of the community.

The Mental Health Division and the Berkeley/Albany Mental Health Commission are hosting a “May Is Mental Health Month” celebration entitled: Covid-19: Changes, Hope and Resiliency “Increasing Community Mental Health and Wellness. The free be held Virtual event will be on Wednesday, May 26 from 5:30-7:30pm virtually using zoom. The

program will include presentations, revealing of the New Berkeley Mental Health Clinic information sharing, entertainment, and prizes. Community achievement awards will be presented.

At its March 25, 2021 meeting, the Mental Health Commission passed the following motion:

Review Recommendation to City Council to declare “May is Mental Health Month”  
M/S/C (cheema, Opton) Move the motion on page 21 the Resolution Proclaiming May 2021 is May is Mental Health Month.  
PASSED

Ayes: Blanton, cheema, Fine, Opton, Prichett Noes: None; Abstentions: None; Absent: Moore, Taplin

#### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the subject of this report.

#### RATIONALE FOR RECOMMENDATION

Proclaiming May as Mental Health Month offers us the opportunity to bring awareness that treatment for mental health problems is effective, that the successes of people in recovery are often remarkable, and to acknowledge men and women in the field who dedicate their lives to help people with psychiatric disabilities and other mental health problems.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

Terry Taplin, City Councilmember, District 2, 981-7120  
Jamie Works-Wright, Commission Secretary, Health, Housing & Community Services, 981-7721

#### Attachments:

1: Resolution PROCLAIMING MAY 2021 AS MENTAL HEALTH MONTH

RESOLUTION NO. ##,###-N.S.

PROCLAIMING MAY 2021 AS MENTAL HEALTH MONTH

WHEREAS, mental health is essential to everyone's overall health, productivity and well-being; and

WHEREAS, one in four American adults are affected by a mental illness; and

WHEREAS, mental health problems do not discriminate; they affect people regardless of race, creed, age, life style, or economic status; and

WHEREAS, Mental Health Recovery is possible with proper treatment and support empowering mental health consumers to lead full and productive lives; and

WHEREAS, as many as eight million Americans who have serious mental illnesses do not receive adequate treatment each year; and

WHEREAS, people who have untreated mental health issues use more general health services than those who receive mental health services when they need them; and

WHEREAS, The Substance Abuse and Mental Health Services Administration (SAMHSA) has determined that persons with severe mental illness have a life expectancy of 25 years less than members of the general public; and

WHEREAS, more than 50% of persons receiving treatment in the mental health system also have Co-Occurring Disorders compounding their barriers to recovery and increasing the disparity in their life expectancy; and

WHEREAS, the City of Berkeley has made a commitment to community-based systems of mental health care in which all residents can receive high-quality and consumer-centered services; and

WHEREAS, Mental Health First Aid training is available in Berkeley to enable community members to better assist their friends, family and neighbors who may have signs and symptoms of mental illness or be in a crisis; and

WHEREAS, the City of Berkeley has been actively involved in the planning and implementation of the Mental Health Services Act to increase effective mental health services that promote Mental Health Recovery in Berkeley; and

WHEREAS, we commend the Mental Health Division, for their outstanding work improving the quality of life for mentally disabled individuals in our community; and



May 11, 2021

WHEREAS, Mental Health America observes Mental Health Month every May to raise awareness and understanding of mental health and illness.

NOW THEREFORE, BE IT RESOLVED that I, Jesse Arreguin, Mayor of the City of Berkeley, do hereby proclaim May 2021 as Mental Health Month in the City of Berkeley and call upon all Berkeley citizens, government agencies, public and private institutions, businesses and schools to recommit our community to increasing awareness and understanding of mental illness and the need for appropriate and accessible services for all people with mental illnesses.





CONSENT CALENDAR

DATE: May 11, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin

Subject: Resolution in Support of Green New Deal for Cities Act of 2021

### RECOMMENDATION

Adopt a resolution in support of the Green New Deal for Cities, Counties, States, Tribes, and Territories by Reps. Cori Bush (D-MO) and Alexandria Ocasio-Cortez (D-NY), cosponsored by California's 13<sup>th</sup> Congressional District Rep. Barbara Lee (D-CA), representing Berkeley.

### BACKGROUND

On April 19, 2021, Rep. Cori Bush (MO-01) and Rep. Alexandria Ocasio-Cortez (NY-14) introduced the Green New Deal for Cities Act of 2021, which would provide \$1 trillion in federal funding for state and local governments to respond to the global climate crisis while creating thousands of green infrastructure jobs. The federal funding is modeled after local funding grants provided in the HEROES Act of 2020 and the American Rescue Plan of 2021.

According to the authors, the Green New Deal for Cities would:

- *Authorize \$1 trillion, with a minimum of 50% of all investments going each to frontline communities and climate mitigation (these categories can overlap)*
- *Fund an expansive array of climate and environmental justice projects in keeping with the values of the Green New Deal, including wind power procurement, clean water infrastructure, and air quality monitoring*
- *Prohibit false solutions or projects that may be applicable elsewhere but do not fit into this bill. Examples include geoengineering, expanding fossil fuel infrastructure, direct air capture, among others*
- *Support housing stability by conditioning funding to local governments to ensure they work with tenant and community groups to prevent displacement in communities receiving investment*

- *Prioritize workers by including prevailing wage requirements, equitable and local hiring provisions, apprenticeship and workforce development requirements, project labor agreements and Buy America provisions<sup>1</sup>*

The Green New Deal<sup>2</sup> is a longstanding campaign promise of progressive elected officials across the country to decarbonize the U.S. economy through a large-scale public works and infrastructure program to modernize the electrical grid and procure green energy while revitalizing American industry, reinvesting in frontline communities and attaining full employment, effectively tying long-term economic prosperity, racial justice, and structural reform to climate resilience.

## RATIONALE FOR RECOMMENDATION

In 2006, Berkeley residents voted to reduce the community's greenhouse gas (GHG) emissions by 80% below 2000 levels by 2050, and the resulting Climate Action Plan (CAP) was adopted by Berkeley City Council in 2009. In 2018, then-Governor Brown committed California to carbon neutrality by 2045, the Berkeley City Council resolved to become a "Fossil FuelFree City," and the Council declared a Climate Emergency. As of 2019, data shows that Berkeley residents have reduced overall GHG emissions by 26% since 2000, despite population increasing by 18% and an expanding economy at the time.<sup>3</sup> In 2019, Berkeley prohibited natural gas in new buildings, continuing a trend of GHG reductions through energy use in buildings. Municipal buildings such as the North Berkeley Senior Center and Live Oak Recreation Center have recently been upgraded with electrical heating, induction, and solar power.

There are still greater opportunities to reduce the city's carbon footprint, but major infrastructural investments will be needed, even going beyond building electrification.

According to the 2020 Climate Action Plan update, the transportation sector offers the greatest opportunity for GHG reductions in the city, as it comprises nearly 60% of citywide GHG emissions. The city's Electric Mobility Roadmap "includes scenario modeling of what is needed to reach carbon neutrality by 2045 and found that electric vehicle (EV) sales in Berkeley would need to reach about 90% of vehicle purchases by 2025 and nearly 100% by 2030 (up from 16% in 2017). This would translate to EVs being approximately 25% of vehicles in use within Berkeley by 2025, 55% by 2030, and 100% by 2045. However, these numbers could be offset by supporting clean alternatives to driving which could also reduce the total number of vehicles and provide

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<sup>1</sup> [https://bush.house.gov/sites/evo-subsites/bush.house.gov/files/evo-media-document/Bush\\_AOC%20GND4Cities%20One%20Pager.pdf](https://bush.house.gov/sites/evo-subsites/bush.house.gov/files/evo-media-document/Bush_AOC%20GND4Cities%20One%20Pager.pdf)

<sup>2</sup> <https://www.sierraclub.org/trade/what-green-new-deal>

<sup>3</sup> [https://www.cityofberkeley.info/uploadedFiles/Manager/Economic\\_Development/2019-03-26%20Item%2026%20Berkeley%20Economic%20Dashboards.pdf](https://www.cityofberkeley.info/uploadedFiles/Manager/Economic_Development/2019-03-26%20Item%2026%20Berkeley%20Economic%20Dashboards.pdf)

co-benefits such as lower traffic congestion and healthy, active transportation, as well as reduced or eliminated GHG emissions.”<sup>4</sup>

This will necessitate a major expansion of EV charging facilities, as well as public transit, micro-mobility services, and bike and pedestrian infrastructure, that federal funding could help support.

Additionally, federal support for investments in infill development of affordable housing can aid in GHG reductions<sup>5</sup> by providing more housing for Berkeley’s workforce closer to public transit and safe pedestrian infrastructure, reducing per capita VMT.

The bill has support from more than 70 grassroots and environmental organizations, including People’s Action, Labor Network for Sustainability, the Center for Biological Diversity, Food and Water Watch, Friends of the Earth U.S., Greenpeace USA, Earthworks, 350.org, Socio-Spatial Climate Collaborative, the Sunrise Movement, Zero Hour, Progressive Democrats of America, Indigenous Environmental Network, GreenLatinos, For the People, Our Revolution, Poder in Action, Climate Justice Alliance, Earth Action, Inc., Climate Hawks Vote, Jewish Voice for Peace Action, GreenFaith, Dayenu: A Jewish Call to Climate Action, RapidShift Network, CatholicNetwork US, Alliance of Nurses for Healthy Environments, GASP, Equal Justice Society, Flint Rising, Hispanic Access Foundation, The Climate Mobilization, Justice Democrats, Indivisible, Global Center for Climate Justice, and Earthjustice.

#### ENVIRONMENTAL IMPACTS

None; resolution does not guarantee passage of legislation.

#### FISCAL IMPACTS

None.

#### CONTACT

Councilmember Terry Taplin, District 2, 510-981-7120

#### ATTACHMENTS/SUPPORTING MATERIALS

1. Resolution
2. Green New Deal Act of 2021

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<sup>4</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2020/07\\_Jul/Documents/2020-07-21\\_Special\\_Item\\_05\\_Climate\\_Action\\_Plan\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/07_Jul/Documents/2020-07-21_Special_Item_05_Climate_Action_Plan_pdf.aspx)

<sup>5</sup> <https://coolcalifornia.arb.ca.gov/california-local-government-climate-policy-tool>

RESOLUTION NO. ##,###-N.S.

RESOLUTION IN SUPPORT OF GREEN NEW DEAL FOR CITIES ACT OF 2021

WHEREAS the state of California has committed to a goal of reducing greenhouse gas emissions to 40 percent below 1990 levels by 2030 and achieving carbon-neutrality by 2045; and

WHEREAS the City of Berkeley has committed to reducing greenhouse gas emissions by 80 percent below 2000 levels by 2050; and

WHEREAS Berkeley residents reduced overall GHG emissions by 26% from 2000 to 2018, despite population increasing by 18% and economic expansion; and

WHEREAS electric vehicle (EV) sales in Berkeley would need to reach about 90% of vehicle purchases by 2025 and nearly 100% by 2030, or approximately 25% of vehicles in use within Berkeley by 2025, 55% by 2030, and 100% by 2045;

WHEREAS the Green New Deal Act for Cities of 2021 by Reps. Cori Bush (D-MO) and Alexandria Ocasio-Cortez (D-NY) would provide \$1 trillion in federal funding for local and state jurisdictions to for green infrastructure and public works jobs to decarbonize the economy, invest in frontline communities, build community wealth and heal racial inequities;

THEREFORE, BE IT RESOLVED that the City Council of the City of Berkeley registers its support for the Green New Deal Act for Cities of 2021.

.....  
(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

# H. R.

To provide direct funding to local, Tribal, and territorial governments to establish Green New Deal programs and initiatives, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Ms. BUSH introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To provide direct funding to local, Tribal, and territorial governments to establish Green New Deal programs and initiatives, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DEFINITIONS.**

4 In this Act:

5 (1) CLIMATE MITIGATION.—The term “climate  
6 mitigation” means policies and activities intended to  
7 reduce the greenhouse gas forcing of the climate sys-  
8 tem.

1           (2) FPIC.—The term “FPIC” means free,  
2 prior, and informed consent.

3           (3) FRONTLINE COMMUNITY.—The term  
4 “frontline community” means a community with sig-  
5 nificant representation of communities of color, low-  
6 income communities, deindustrialized communities,  
7 fossil fuel communities, or Tribal and indigenous  
8 communities, that experiences, or is at risk of expe-  
9 riencing, higher or more adverse climate change,  
10 human health, or environmental effects, as compared  
11 to other communities.

12           (4) LOCAL GOVERNMENT.—The term “local  
13 government” means a territory or any unit of local  
14 government within a State or territory, including a  
15 county, borough, municipality, city, town, township,  
16 parish, local public authority, transit agency (includ-  
17 ing multistate transit agencies), special district,  
18 school district, intrastate district, council of govern-  
19 ments, any other instrumentality of local govern-  
20 ment.

21           (5) LOCAL GREEN NEW DEAL PROGRAM PRO-  
22 POSAL.—The term “local Green New Deal program  
23 proposal” means a proposal of a local government or  
24 a Native American Nation that commits—



1 (A) to achieve zero greenhouse gas emis-  
2 sions, by 2030, through a fair and just transi-  
3 tion for all communities and workers;

4 (B) to create hundreds of good, high-wage  
5 jobs and ensure prosperity and economic secu-  
6 rity for all people of the local government or  
7 Native American Nation;

8 (C) to invest in the infrastructure and in-  
9 dustry of the local government to sustainably  
10 meet the challenges of the 21st century;

11 (D) to secure for all people of the United  
12 States for generations to come—

13 (i) clean air and water;

14 (ii) climate and community resiliency;

15 (iii) healthy and sustainably produced  
16 food;

17 (iv) access to nature; and

18 (v) a sustainable environment; and

19 (E) to promote justice and equity by stop-  
20 ping current, preventing future, and repairing  
21 historic oppression of indigenous peoples, com-  
22 munities of color, migrant communities,  
23 deindustrialized communities, depopulated rural  
24 communities, the poor, low-income workers,  
25 women, the elderly, the unhoused, people with

1 disabilities, incarcerated communities, and com-  
2 munities experiencing police violence and youth.

3 (6) NATIVE AMERICAN NATION.—The term  
4 “Native American Nation” means—

5 (A) the governing body of any individually  
6 identified and federally recognized Indian or  
7 Alaska Native Tribe, band, nation, pueblo, vil-  
8 lage, community, affiliated tribal group, or com-  
9 ponent reservation in the list published pursu-  
10 ant to section 104(a) of the Federally Recog-  
11 nized Indian Tribe List Act of 1994 (25 U.S.C.  
12 5131(a));

13 (B) the governing body of any individually  
14 identified Indian or Alaska Native Tribe, band,  
15 nation, pueblo, village, community, affiliated  
16 tribal group, or component reservation, exclud-  
17 ing tribal corporations; and

18 (C) a State recognized Tribe.

19 **TITLE I—GREEN NEW DEAL FOR**  
20 **CITIES, COUNTIES, STATES,**  
21 **TRIBES, AND TERRITORIES**

22 **SEC. 101. SHORT TITLE.**

23 This Act may be cited as the “Green New Deals for  
24 Cities Act of 2021”.

1 **SEC. 102. GREEN NEW DEAL FOR CITIES, TOWNS, AND NA-**  
2 **TIVE AMERICAN NATIONS.**

3 (a) IN GENERAL.—From amounts appropriated to  
4 carry out this title, the Secretary of Housing and Urban  
5 Development, in coordination with the Secretary of En-  
6 ergy, the Secretary of Labor, and the Office of Domestic  
7 Climate Policy, shall be allocated directly to eligible local  
8 or State entities in the same manner as amounts appro-  
9 priated under sections 602 and 603 of title VI of the So-  
10 cial Security Act (42 U.S.C. 801 et seq.), as applicable,  
11 to carry out eligible Green New Deal projects.

12 (b) USE OF FUNDS.—An eligible local or State entity  
13 receiving an allocation under this section—

14 (1) may use such funds to carry out an eligible  
15 Green New Deal project;

16 (2) shall allocate not less than 50 percent of  
17 such allocation for projects related to climate mitiga-  
18 tion;

19 (3) with respect to an eligible local or State en-  
20 tity that includes at least 1 frontline community,  
21 shall ensure not less than 50 percent of such alloca-  
22 tion is invested in frontline communities; and

23 (4) may not use such funds for—

24 (A) fossil fuel procurement, development,  
25 infrastructure repair that would in anyway ex-

1           tend lifespan or production capacity, or any re-  
2           lated subsidy;

3           (B) carbon capture and storage (CCS) or  
4           carbon capture, utilisation, and storage  
5           (CCUS);

6           (C) direct air capture;

7           (D) the procurement of nuclear power;

8           (E) research and development;

9           (F) the establishment or advancement of  
10          carbon markets, including cap and trade;

11          (G) geoengineering;

12          (H) highway expansion;

13          (I) road improvements or automobile infra-  
14          structure, other than electric vehicle charging  
15          stations;

16          (J) industrial scale bioenergy, including  
17          biofuels, biomass, and biogas, development or  
18          any related subsidy; or

19          (K) any investments or projects supporting  
20          law enforcement, immigration detention centers,  
21          and prisons, including buildings and vehicles  
22          under the control of law enforcement or a pris-  
23          on.

24          (c) REQUIREMENT.—As a condition of accepting an  
25          allocation provided under this section, an eligible local or

1 State entity shall agree to take steps, in consultation with  
2 community groups and tenant advocates, to secure exist-  
3 ing housing in neighborhoods receiving benefits from an  
4 allocation under this section, including through the use of  
5 rent control, rent stabilization, and other methods to pre-  
6 vent gentrification and stabilize property values.

7 (d) CONSULTATION.—In carrying out the program  
8 established under subsection (a), the Secretary shall con-  
9 sult with Administration of the Environmental Protection  
10 Agency, the Assistant Secretary of the Bureau of Indian  
11 Affairs, and the Council on Environmental Quality.

12 (e) NATIVE AMERICAN FPIC.—Prior to the author-  
13 ization of any project on land that may affect a Native  
14 American Nation, the Secretary shall ensure that such  
15 Nation has given FPIC.

16 (f) MATERIAL REQUIREMENT.—In carrying out any  
17 eligible Green New Deal project that uses renewable en-  
18 ergy materials, an eligible local or State entity shall use  
19 only renewable energy materials from Initiative for Re-  
20 sponsible Mining Assurance (IRMA) certified mines.

21 (g) COMMUNITY INVOLVEMENT.—In carrying out  
22 any eligible Green New Deal project, an eligible local or  
23 State entity shall develop a public participation plan to  
24 establish steps for ensuring decision-making inclusion of

1 frontline communities for such eligible Green New Deal  
2 project.

3 (h) DEFINITIONS.—In this section:

4 (1) ELIGIBLE LOCAL OR STATE ENTITY.—The  
5 term “eligible local or State entity” means a State,  
6 local government, or Native American Nation that  
7 has a local Green New Deal program proposal.

8 (2) ELIGIBLE GREEN NEW DEAL PROJECT.—  
9 The term “eligible Green New Deal project” includes  
10 a project and associated labor—

11 (A) for solar power procurement, installa-  
12 tion, maintenance, and operations;

13 (B) for wind power procurement, installa-  
14 tion, maintenance, coating, and operations;

15 (C) to carry out an American Society of  
16 Heating, Refrigerating, and Air Conditioning  
17 Engineers (ASHRAE) level II audit for com-  
18 mercial buildings;

19 (D) to procure dialysis machines or other  
20 equipment known to save lives of the most vul-  
21 nerable populations in extreme weather events  
22 that may cause power outages;

23 (E) to provide grants for acquisition of pri-  
24 vate lands by Native American Land Trusts,  
25 nations, and Tribes;

1 (F) to build electrification for heating, hot  
2 water, and cooking;

3 (G) for public electric vehicle procurement;

4 (H) to build capacity for communities to  
5 endure extreme weather events, such as invest-  
6 ments to cooling and heating centers and dis-  
7 aster preparedness;

8 (I) for community farming initiatives that  
9 promote and foster food sovereignty;

10 (J) to procure, install, and operate geo-  
11 thermal power;

12 (K) for phasing out existing fossil fuel in-  
13 frastructure;

14 (L) for testing of soils and waters in  
15 parks, playgrounds, and other sites for haz-  
16 ardous and radioactive wastes as well as dan-  
17 gerous chemicals, including PFAS;

18 (M) for the establishment of local Worker  
19 and Community Protection Funds (WCPF) to  
20 support fossil fuel workers, families of such  
21 workers, and impacted communities in the en-  
22 ergy transition;

23 (N) to repair gas pipeline leaks and cover  
24 orphan wells, so long as such pipelines and  
25 wells in no way expand fossil fuel production;

## 10

1 (O) to build, expand, and maintain public  
2 parks, trails, forests, and recreation sites;

3 (P) for installation of weatherization and  
4 efficiency measures, including reflecting coat-  
5 ings;

6 (Q) for adaptation measures;

7 (R) to procure and install electric vehicle  
8 charging stations;

9 (S) to remediate lead paint, mold, and as-  
10 bestos;

11 (T) to support reparations programs for  
12 Black and Indigenous people and communities;

13 (U) for investment in new or improved  
14 public green space, parks, playgrounds, or com-  
15 munity gardens;

16 (V) for the zero energy construction or im-  
17 provement of public or rent-secured housing or  
18 community land trusts;

19 (W) to provide, electrify, improve, expand,  
20 maintain, or operate public transit and public  
21 school buses;

22 (X) for remediation of a brownfield;

23 (Y) for air quality monitoring;

24 (Z) for pollution cleanup;



1 (AA) to procure, install, and maintain  
2 clean drinking water infrastructure piping and  
3 transmission lines, including replacing lead  
4 pipelines;

5 (BB) for public utility procurement, mod-  
6 ernization, and decarbonization;

7 (CC) for wetland, forest, and public land  
8 revitalization and other climate adaptation  
9 measures;

10 (DD) for public sanitation, broadband, and  
11 utility expansion for frontline communities;

12 (EE) for community solar power;

13 (FF) to construct and improve bike and  
14 pedestrian infrastructure, including bus stops  
15 and any improvements to transit infrastructure  
16 to comply with the Americans With Disabilities  
17 Act of 1990 (42 U.S.C. 12101 et seq.);

18 (GG) for restoring public lands, water-  
19 sheds, coastal areas, wildlife corridors, and  
20 other critical ecosystems, including investment  
21 in county and city parks and Tribal manage-  
22 ment of public lands;

23 (HH) for temporary housing for low-in-  
24 come families receiving housing improvements;

25 or

1 (II) for conservation projects on family  
2 farms, including water conservation projects,  
3 shelterbelts, and ecosystem restoration efforts.

4 **SEC. 103. AUTHORIZATION OF APPROPRIATIONS.**

5 For purposes of carrying out this title, there is au-  
6 thorized to be appropriated out of the general fund of the  
7 Treasury—

8 (1) \$400,000,000,000 for fiscal year 2022;

9 (2) \$300,000,000,000 for fiscal year 2023;

10 (3) \$200,000,000,000 for fiscal year 2024; and

11 (4) \$100,000,000,000 for fiscal year 2025.

12 **TITLE II—LABOR STANDARDS**

13 **SEC. 201. LABOR STANDARDS REQUIREMENTS.**

14 (a) IN GENERAL.—The Secretary of Labor shall re-  
15 quire an eligible local or State entity under section 102,  
16 as a condition of receiving a grant under such section, to  
17 satisfy each of the following requirements:

18 (1) The entity shall ensure that all laborers and  
19 mechanics employed by contractors and subcontractors  
20 in the performance of any applicable project  
21 shall be paid wages at rates not less than those pre-  
22 vailing on projects of a similar character in the lo-  
23 cality as determined by the Secretary of Labor in ac-  
24 cordance with subchapter IV of chapter 31 of title

1 40, United States Code (commonly known as the  
2 “Davis-Bacon Act”).

3 (2) The entity shall give preference to local and  
4 equitable hiring and contracting that creates oppor-  
5 tunities for—

6 (A) people of color;

7 (B) immigrants, regardless of immigration  
8 status;

9 (C) formerly incarcerated individuals;

10 (D) women;

11 (E) LGBTQIAP+ individuals;

12 (F) disabled and chronically ill individuals;

13 (G) marginalized communities; and

14 (H) BIPOC employee-owned businesses  
15 and co-ops.

16 (3) The entity shall be a party to, or require  
17 contractors and subcontractors in the performance  
18 of any applicable project to consent to, a covered  
19 project labor agreement, as long as the entity dem-  
20 onstrates that such agreement protects or furthers  
21 its proprietary interest in the project.

22 (4) The entity, and all contractors and sub-  
23 contractors in performance of any applicable project,  
24 shall abide by prevailing wage standards, prioritize

1 Project Labor Agreements, and prioritize local hir-  
2 ing and targeted hiring provisions.

3 (5) The entity, and all contractors and sub-  
4 contractors in the performance of any applicable  
5 project, shall not require mandatory arbitration for  
6 any dispute involving a worker engaged in a service  
7 for the entity.

8 (6) The entity, and all contractors and sub-  
9 contractors in the performance of any applicable  
10 project, shall consider an individual performing any  
11 service in such performance as an employee (and not  
12 an independent contractor) of the entity, contractor,  
13 or subcontractor, respectively, unless—

14 (A) the individual is free from control and  
15 direction in connection with the performance of  
16 the service, both under the contract for the per-  
17 formance of the service and in fact;

18 (B) the service is performed outside the  
19 usual course of the business of the entity, con-  
20 tractor, or subcontractor, respectively; and

21 (C) the individual is customarily engaged  
22 in an independently established trade, occupa-  
23 tion, profession, or business of the same nature  
24 as that involved in such service.

1           (7) The entity shall prohibit the employees of  
2 all contractors and subcontractors in the perform-  
3 ance of any applicable project from hiring employees  
4 through a temporary staffing agency unless the rel-  
5 evant State workforce agency certifies that tem-  
6 porary employees are necessary to address an acute,  
7 short-term labor demand. The entity may not pro-  
8 hibit the use of certified union hiring halls.

9           (8) The entity shall require all contractors, sub-  
10 contractors, successors in interest of the entity, and  
11 other entities that may acquire the entity, in the  
12 performance or acquisition of any applicable project,  
13 to have—

14           (A) an explicit policy of neutrality with re-  
15 gard to—

16           (i) labor organizing for the employees  
17 of the contractor or subcontractor em-  
18 ployed in the performance of the eligible  
19 project; and

20           (ii) such employees' choice to form  
21 and join labor organizations; and

22           (B) policies that require—

23           (i) the posting and maintenance of no-  
24 tices in the workplace to such employees of

1           their rights under the National Labor Re-  
2           lations Act (29 U.S.C. 151 et seq.); and

3                   (ii) that such employees are, at the  
4           beginning of their employment in the per-  
5           formance of the eligible project, provided  
6           notice and information regarding the em-  
7           ployees' rights under such Act.

8           (9) The entity shall, for each skilled craft em-  
9           ployed on any applicable project, demonstrate an  
10          ability to use and commit to use individuals enrolled  
11          in a Department of Labor registered apprenticeship  
12          program under subpart A of part 29 of title 29,  
13          Code of Federal Regulations, which such individuals  
14          shall, to the greatest extent practicable, constitute  
15          not less than 20 percent of the individuals working  
16          on such project.

17          (10) The entity shall fund and utilize, and,  
18          where appropriate, establish, a robust pre-appren-  
19          ticeship and workforce development program, to  
20          serve BIPOC communities, in consultation with ap-  
21          propriate labor organizations.

22          (11) The entity, and all contractors and sub-  
23          contractors in the performance of any applicable  
24          project, shall not request or otherwise consider the  
25          criminal history of an applicant for employment be-

1 fore extending a conditional offer to the applicant,  
2 unless—

3 (A) a background check is otherwise re-  
4 quired by law; or

5 (B) the Secretary, in consultation with the  
6 Secretary of Energy, certifies that precluding  
7 criminal history prior to the conditional offer  
8 would pose a threat to national security.

9 (12) The entity shall exclude companies that  
10 have been found guilty of wage theft or Occupational  
11 Safety and Health Act of 1970 (29 U.S.C. 651 et  
12 seq.) safety violations.

13 (b) DAVIS-BACON ACT.—The Secretary of Labor  
14 shall have, with respect to the labor standards described  
15 in subparagraph (A)(i), the authority and functions set  
16 forth in Reorganization Plan Numbered 14 of 1950 (64  
17 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40,  
18 United States Code.

19 **SEC. 202. BUY AMERICA REQUIREMENTS.**

20 (a) IN GENERAL.—For all goods and materials an  
21 entity purchases in whole or in part with funds provided  
22 by this Act, the entity shall be required to comply with,  
23 and ensure compliance by all contractors, subcontractors,  
24 and suppliers of contractors of, the domestic content pro-  
25 visions of the section 5323(j) of title 49, United States

1 Code, and all applicable Federal labor and employment  
2 laws.

3 (b) INCLUSIVE PROCUREMENT POLICIES.—Notwith-  
4 standing any federal laws or regulations to the contrary,  
5 the entity may adhere to an inclusive procurement policy  
6 for all goods and materials that are part of any project  
7 funded in whole or in part by this Act that includes any  
8 of the following:

9 (1) Greater domestic content than is required  
10 by Federal law.

11 (2) A disclosure and evaluation of the embed-  
12 ded carbon emissions of all industrial products.

13 (3) Requirements for disclosure by the contrac-  
14 tors, subcontractors, and suppliers of contractors  
15 of—

16 (A) wages and benefits of employees of the  
17 contractor, subcontractor, and suppliers;

18 (B) training program commitments for em-  
19 ployees and potential employees; and

20 (C) targeted hiring commitments for mem-  
21 bers of disadvantaged communities, including  
22 veterans, women, low-income populations, and  
23 formerly incarcerated individuals.

24 (4) Job quality evaluation and incentives.



1           (5) Job quality commitment enforcement, in-  
2           cluding contract enforcement provisions for adher-  
3           ence to job quality commitments.

4           (6) Transparency to the public of job quality  
5           commitments and adherence to such commitments.





CONSENT CALENDAR

May 11, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin (Author)

Subject: Budget Referral: Traffic Calming of West Berkeley Pedestrian and Cyclist Crossings

RECOMMENDATION

That the City Council refers to the budget process the funding of traffic calming improvements as follows:

- Rectangular Rapid Flashing Beacons:
  - Ashby Way and California Street
  - Sacramento Street and Channing Way
  - Cedar Street and Ninth Street
  - Sixth Street and Channing Way
- Pedestrian Hybrid Beacons:
  - Sacramento Street and Russell Street
  - Channing Way and San Pablo Avenue

CURRENT SITUATION AND ITS EFFECTS

With the City Council's adoption of Vision Zero goals in March 2018, Berkeley embarked on a mission to eliminate all traffic deaths and severe injuries by the year 2028. Along with the Pedestrian Plan and the Bicycle Plan, the Vision Zero Action Plan outlines a broad path to accomplish this ambitious goal as well as specific infrastructural recommendations to make Berkeley's streets safer for all who use them. Despite the ambitious goals set by Vision Zero and the recent progress of improvements to infrastructure, motorists continue to strike pedestrians and cyclists at an alarming rate.

Injuries and fatalities disproportionately impact West and South Berkeley, which Vision Zero designates part of the "Equity Priority Area" given historic redlining, long-term disinvestment, and the disproportionate impact of traffic injuries and deaths on low income communities and people of color.<sup>1</sup> In order to rectify historic wrongs and prioritize the parts of Berkeley most in need of infrastructural investment, the City

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<sup>1</sup>[https://www.cityofberkeley.info/uploadedFiles/Public\\_Works/Level\\_3\\_-\\_Transportation/Berkeley\\_Vision\\_Zero\\_Action\\_Plan\\_Approved\\_03102020.pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley_Vision_Zero_Action_Plan_Approved_03102020.pdf)

Council must advance road safety improvements in this area. This referral, which identifies six dangerous intersections for traffic calming, builds upon what has already been considered in Berkeley's Pedestrian Plan, Bicycle Plan, and Vision Zero Action Plan and advances particular improvements for expedited consideration. Many of the recommended improvements refer for funding what is already planned for under Berkeley's Pedestrian Plan, which assigns a Rectangular Rapid Flashing Beacon (RRFB) to Ashby & California and Pedestrian Hybrid Beacons to Sacramento & Russell and San Pablo & Channing.<sup>2</sup>

The selected intersections are of particular importance due to the dangers highlighted by the Vision Zero Action Plan. Ashby Avenue, Sacramento Street, Sixth Street, and San Pablo Avenue are all highlighted by Vision Zero as "High-Injury Streets" where the most severe injuries and fatalities have occurred.<sup>3</sup> On the intersection level, Ashby & California and Sacramento & Russell have both been the sites of severe injuries or fatalities in recent years.<sup>4</sup> West Berkeley's streets have been a hazard to pedestrians, cyclists, and motorists for years due to car-centric transportation infrastructure, long-term racist disinvestment, and slow-moving reforms.

#### FISCAL IMPACTS

Staff time, an estimated \$92,000 for four Rectangular Rapid Flashing Beacon crossings (\$23,000 per crossing), and an estimated \$100,000-\$260,000 for two Pedestrian Hybrid Beacons (\$50,000-\$130,000 per intersection).<sup>5</sup>

#### ENVIRONMENTAL IMPACTS

Establishing a network of safe streets for pedestrians and bicycles, promoting bicycle literacy, and distributing bicycles to those in need incentivize nonautomobile travel, reducing greenhouse gas emissions. The City estimates that transportation-related emissions accounts for approximately 60% of our community's total annual greenhouse gas emissions.<sup>6</sup> By encouraging alternatives to car transportation by making pedestrian and cyclist infrastructure safer and more accessible, these improvements stand to lower the emissions from our community's dominant source of carbon emissions.

#### CONTACT

Terry Taplin, Councilmember, District 2, (510) 981-7120

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<sup>2</sup>[https://www.cityofberkeley.info/uploadedFiles/Public\\_Works/Level\\_3\\_-\\_Transportation/2020%20Pedestrian%20Plan%20FULL%20adopted.pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/2020%20Pedestrian%20Plan%20FULL%20adopted.pdf)

<sup>3</sup>[https://www.cityofberkeley.info/uploadedFiles/Public\\_Works/Level\\_3\\_-\\_Transportation/Berkeley\\_Vision\\_Zero\\_Action\\_Plan\\_Approved\\_03102020.pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley_Vision_Zero_Action_Plan_Approved_03102020.pdf)

<sup>4</sup>[https://www.cityofberkeley.info/uploadedFiles/Public\\_Works/Level\\_3\\_-\\_Transportation/Berkeley\\_Vision\\_Zero\\_Action\\_Plan\\_Approved\\_03102020.pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley_Vision_Zero_Action_Plan_Approved_03102020.pdf)

<sup>5</sup>[https://www.cityofberkeley.info/uploadedFiles/Public\\_Works/Level\\_3\\_-\\_Transportation/Berkeley-Bicycle-Plan-2017\\_AppendixF\\_Facility%20Design%20Toolbox\(1\).pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley-Bicycle-Plan-2017_AppendixF_Facility%20Design%20Toolbox(1).pdf)

<sup>6</sup>[https://www.cityofberkeley.info/Clerk/City\\_Council/2018/12\\_Dec/Documents/2018-12-06\\_WS\\_Item\\_01\\_Climate\\_Action\\_Plan\\_Update\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2018/12_Dec/Documents/2018-12-06_WS_Item_01_Climate_Action_Plan_Update_pdf.aspx)



Kate Harrison  
Councilmember District 4

CONSENT CALENDAR  
May 11, 2021

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Harrison  
 Subject: Support for Roadmap Home 2030 Plan

RECOMMENDATION

Adopt a resolution affirming the importance of a multifaceted approach to addressing the housing crisis by endorsing the Roadmap Home 2030 plan and sending a letter to state lawmakers urging them to adopt the recommendations of the plan.

BACKGROUND

**California Housing**

Berkeley, the Bay Area, and California as a whole, face a massive and multifaceted crisis of housing and equity. The crisis is the nexus of many issues that have left pernicious vestiges, or simply continued unabated for many decades. A non-exhaustive list includes:

- An increasing state median home price that far outpaces the national average. While California homes have historically been more expensive than the US average, the gap has widened significantly since the 1960s.<sup>1</sup> Now, the median US home price is \$274,000, while California's median home price is more than 2.5 times higher - over \$700,000.<sup>2 3</sup>
- A historical legacy of government-funded segregation and unequal home-ownership programs have created a racial wealth gap. Nationwide, Black families' median wealth is less than 15 percent that of white families with home ownership as a primary driver of

<sup>1</sup> Levin, Matt, et al. "Californians: Here's why your housing costs are so high" Cal Matters. June 2020. <https://calmatters.org/explainers/housing-costs-high-california/#cf0f6910-97b1-11e9-a73d-7d043530edbb>

<sup>2</sup> <https://www.zillow.com/home-values/>

<sup>3</sup> Kamin, Debra. "Median Home Price Sets New Record in California." NY Times. Nov 2020. <https://www.nytimes.com/2020/11/30/realestate/california-housing-market-price.html>

this difference.<sup>4</sup> In California, the household median net worth of Black and Latino families is respectively 21 and 13 percent of the household median net worth of white families.<sup>5</sup>

- Constraints on housing supply due to converging interests of local governments, environmentalists, building trade groups, anti-gentrification activists, and property owners.<sup>6</sup>
- Dwindling public funding for the creation of affordable housing. With the end of redevelopment agencies in 2012, California ended “the single largest source of non-federal money for affordable housing in the state” and has yet to replace the funding.<sup>7</sup> Bond initiatives like Proposition 46 and Proposition 1C are only temporary sources that are running out. Over the last decade, federal funds have also shrunk.<sup>8</sup>
- The financialization of the housing market that consolidates ownership and leaves homes sitting empty. The 2008 housing crisis accelerated this trend and allowed large private equity firms to dramatically increase their holdings, “creating a new category of renter households living month-to-month at the whim of Wall Street bottom lines.”<sup>9</sup>
- Rising costs of labor and materials and slow adoption of innovation in the housing sphere needed to decrease consumer price. The cost of building a 100-unit affordable project in California in 2000 was \$265,000 per unit. That same per-unit cost increased to almost \$425,000 in 2016.<sup>10</sup> The market forces that affect the costs of affordable housing also impact other types of housing. Comparatively, a 20-inch color TV cost \$1,195 dollars in 1985 (adjusted for inflation), but a similar size color TV could be less than \$150 today.<sup>11</sup>
- A market that cannot provide housing at all levels of income at the rates of population growth. Even with the goals set by California Department of Housing and Community Development (HCD) in the last Regional Housing Needs Assessment (RHNA), units serving lower income people are not being built as often as market-rate units. A February 2019 report from Next 10 cites that, when considering all areas statewide, nearly half of the target number of Above Moderate-income units had been permitted for construction but only 19 percent of moderate income, approximately 10 percent of low

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<sup>4</sup> Bhutta, Neil, et al. “Disparities in Wealth by Race and Ethnicity in the 2019 Survey of Consumer Finances” Federal Reserve Bank. Sep 2020. <https://www.federalreserve.gov/econres/notes/feds-notes/disparities-in-wealth-by-race-and-ethnicity-in-the-2019-survey-of-consumer-finances-20200928.htm>

<sup>5</sup>Hutchful, Esi. California Budget Center. Dec 2020. “The Racial Wealth Gap: What California Can Do About a Long-Standing Obstacle to Shared Prosperity.” <https://calbudgetcenter.org/resources/the-racial-wealth-gap-what-california-can-do-about-a-long-standing-obstacle-to-shared-prosperity/>

<sup>6</sup> Levin, et al.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Schneider, Benjamin. “How to Make a Housing Crisis” Bloomberg Citylab. Feb 2020.

<https://www.bloomberg.com/news/articles/2020-02-21/a-brief-history-of-california-s-housing-crisis>

<sup>10</sup> Claros, Michelle. “The Cost of Building Housing Series.” Turner Center for Housing Innovation, UC Berkeley. Mar 2020. <https://turnercenter.berkeley.edu/research-and-policy/the-cost-of-building-housing-series/>

<sup>11</sup> <https://www.aarp.org/money/budgeting-saving/info-2020/1980s-vs-now.html>

income, and 7 percent of very low income had been.<sup>12</sup> This imbalance is being worsened by current state policies. HCD has mandated that units to be built in the upcoming RHNA cycle consist of approximately 60 percent units for people and families of Moderate and Above Moderate-income levels, with only approximately 40 percent to serve Low, Very Low, or Extremely Low-income levels.<sup>13</sup>

- A hobbled tenant movement; State laws from the 1980s and 1990s “severely limited rent control and expanded landlord’s power to evict tenants.”<sup>14</sup>
- The loss of existing affordable housing stock as it is removed from the market. This consists of housing that is demolished and rebuilt into more expensive housing, income-restricted units that become market-rate units after their affordability period expires, or units that are affordable but lack formal protections and become unaffordable through rent increases. A California Housing Partnership report from 2019 estimated that a five-county Bay Area region had lost 2,128 subsidized homes since 1997 and that 5,128 homes representing 5 percent of the region’s existing affordable housing stock were at risk of becoming unaffordable.<sup>15</sup>
- Wage stagnation. Since the early 1970s national worker productivity has grown dramatically but hourly compensation has stagnated.<sup>16</sup> The share of income for housing that California workers must pay has steadily increased. According to the PPIC, California renters pay 44 percent above the nationwide median but the median household income is only 22 percent higher than the nationwide median.<sup>17</sup>

The effects of high home prices and rising rents are visible on the streets of Berkeley and the Bay Area. From 2017 to 2019, the number of Californians experiencing homelessness increased in every large urban county except San Diego. Alameda County witnessed a two-year increase of more than 40 percent.<sup>18</sup> The effects are also obscured or invisible in many ways as these numbers do not capture the number of people living together in cramped quarters or who move in with family. In 2018, the national level of overcrowding - a percentage of housing units with more than one resident per room -- was 3.4 percent, but California’s was 8.8 percent.<sup>19</sup> In

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<sup>12</sup> Perry, F. Noel, et al. “Missing the Mark: Examining the Shortcomings of California’s Housing Goals” Feb 2019. <https://www.next10.org/publications/housing-goals>

<sup>13</sup> Letter to ABAG from HCD, “RE: Final Regional Housing Need Determination.” Dated June 9, 2020. [https://www.hcd.ca.gov/community-development/housing-element/docs/abagrhna-final060920\(r\).pdf](https://www.hcd.ca.gov/community-development/housing-element/docs/abagrhna-final060920(r).pdf)

<sup>14</sup> Schneider, Benjamin. “How to Make a Housing Crisis”

<sup>15</sup> “California’s Affordable Rental Homes At-Risk.” California Housing Partnership. Feb 2019. [https://1p08d91kd0c03rlxhmhtydpr-wpengine.netdna-ssl.com/wp-content/uploads/2019/02/2019-State-Risk-Assessment\\_Final.pdf](https://1p08d91kd0c03rlxhmhtydpr-wpengine.netdna-ssl.com/wp-content/uploads/2019/02/2019-State-Risk-Assessment_Final.pdf)

<sup>16</sup> Mishel, Lawrence, et al. “Wage Stagnation in Nine Charts.” Economic Policy Institute. Jan 2015. <https://www.epi.org/publication/charting-wage-stagnation/>

<sup>17</sup> Johnson, Hans, et al. “California’s housing challenges have widespread effects.” Public Policy Institute of California. Jan 2020. <https://www.ppic.org/wp-content/uploads/californias-future-housing-january-2020.pdf>

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

rental units, California's rate was 13.4 percent, making it more than twice the national rate and the highest in the nation.<sup>20</sup>

### **Roadmap Home 2030**

Because this crisis is the result of decades of layered policies at many levels of government, simple solutions will neither capture the complexities nor address the scope of this crisis in any lasting way. An ameliorative, piecemeal approach runs the risk of leaving root causes unaddressed or creating new, unintended issues. Effective solutions will need to be comprehensive, cooperative efforts between many levels of government.

Released in March 2021, Roadmap Home 2030 is an example of a rigorous approach that acknowledges the complexity of the housing crisis and provides many actionable policies that, when employed together, can substantially improve the state of housing in Berkeley and the state of California in the next ten years. It is a joint venture between founders Housing California and the California Housing Partnership, along with their partner, the California Budget and Policy Center.

The plan has four overarching goals: to create affordable housing, protect low-income renters, end homelessness, and ensure racial equity. It establishes five "core areas" where system reforms and structural changes are necessary: to invest in our values, promote fairness, protect people, reimagine growth, and create efficiency and accountability. In these core areas, the plan then lists a total of 57 policy solutions to implement.<sup>21</sup>

### **Berkeley's Role**

Roadmap Home 2030 is targeted towards statewide and federal action but local governments can enact many of these ideas on their own, while supporting statewide adoption of similar measures. The Berkeley City Council has already taken such action on some of the items identified in the Roadmap Home 2030 report. For example, the recent resolution on ending exclusionary zoning is recommendation C1 in Roadmap Home 2030.

The proposed Tenants Opportunity to Purchase Act, also known as TOPA, includes a provision for guaranteeing tenants the right of first offer on the rental properties in which they live. Roadmap Home 2030 supports this in recommendation A7. The recommendation of allowing by-right development of housing on low-income housing element sites if at least 50 percent of the homes are affordable (C4) is similar to another recently proposed item on the Berkeley City Council.

However, other aspects of the Road Home schema have not been adequately addressed. Implementation of all of these pieces needs to happen in a synchronized way to avoid

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<sup>20</sup> Ibid.

<sup>21</sup> Full list is Attachment 3



unintended consequences. For example, TOPA will be most effective if the strongest possible protections against demolition and financialization of the housing market are enacted.

The list of recommendations is long and a full list is included as an appendix to this item. Many of the Roadmap Home 2030 recommendations center around the State properly funding local governments to take action or reimbursing them for actions taken. Roadmap Home 2030 advocates for:

- Provide local governments with flexible ongoing funding for a range of homelessness solutions (A1)
- Reimbursing local governments 50 percent of the fee waivers or reductions they give to affordable housing developments (C6)
- Funding nonprofits and local governments to purchase existing homes for affordable resale (A12)
- Give local government the funding they need to create and preserve affordable housing (A5)

Other recommendations would have direct ramifications for Berkeley and its residents:

- Empower voters to support building affordable homes locally by setting the threshold for passage of housing ballot measures at 55 percent (A6)
- Give local jurisdictions greater flexibility to design rent stabilization policies that are successful in protecting renters and can be tailored to local conditions by repealing or reforming Costa-Hawkins (D2)
- Provide emergency eviction protections and assistance to renters by creating a standing Renter and small Landlord Resiliency Emergency Program that launches upon declaration of a crisis (D5)
- Limit tenant displacement and luxury conversion of low-rent housing when properties are removed from the rental market by reforming or repealing the Ellis Act (D6)
- Repeal Article 34 of the California Constitution which requires a majority of voters to approve publicly financed affordable housing (D7)
- Reform the legal eviction process to provide tenants with more time and more protections to resolve landlord-tenant disputes and prevent evictions (D8)
- Build local capacity for homelessness planning, improve local governance, and create more accountability (E8)

Other recommendations align with Berkeley's progressive values and some are even patterned after local Berkeley laws:

- Provide comprehensive community investment in low-income communities of color by evolving and expanding the Transformative Climate Communities (TCC) Program (A13)

- Shift savings from planned and future state prison closures to support formerly incarcerated individuals (A8)
- Expand statewide protections for renters from unfair evictions and unaffordable rent increases by strengthening the state rent cap and just cause eviction law (D1)
- Remove inequitable barriers that block access to rental housing in the private market, particularly for people of color and low-income renters, by requiring landlords to follow inclusive and non-discriminatory practices when screening and accepting tenants, similar to Berkeley's prohibition on discrimination against those with Section 8 vouchers (D4)
- Prioritize access to affordable housing and homeownership programs for residents of low-income communities (E7)

Supporting RoadMap Home 2030 will add Berkeley's voice to support these policy ideas at the state level. These are policies that would help create and preserve affordable housing, reimagine growth, protect tenants, and benefit the residents of Berkeley by alleviating the tensions of the complicated California housing crisis through a comprehensive package of reforms.

#### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental impacts associated with this action.

#### FISCAL IMPACTS OF RECOMMENDATION

None.

#### CONTACT PERSON

Councilmember Kate Harrison

510-981-7140

Attachments:

1: Resolution

2: Letter

3: Roadmap 2030 Summary

## RESOLUTION NO. ##,##-N.S.

RESOLUTION IN SUPPORT OF ROADMAP HOME 2030 AND ITS POLICY SOLUTIONS TO  
COMPREHENSIVELY ADDRESS THE HOUSING CRISIS

WHEREAS, Berkeley, the Bay Area, and California as a whole, face a massive and multifaceted crisis of housing and equity; and,

WHEREAS, as this crisis is the result of decades of layered policies at many levels of government, simple solutions will neither capture the complexities of small aspects nor will they address the scope of this crisis in any lasting way and therefore an ameliorative, piecemeal approach runs the risk of leaving root causes unaddressed or creating new, unintended issues; and,

WHEREAS, effective solutions to the housing crisis will need to be comprehensive, cooperative efforts between many levels of government; and,

WHEREAS, RoadMap Home 2030 lays out a comprehensive list of policy solutions to the state's housing crisis that emphatically supports creating affordable homes, protecting low-income renters, ending homelessness, and ensuring racial equity; and,

WHEREAS, implementing the policy solutions in RoadMap Home 2030 would help California to invest in our values, promote fairness, protect people, reimagine growth, and create efficiency and accountability; and,

WHEREAS, RoadMap Home 2030 includes policy solutions spearheaded by the City of Berkeley and recommends that they be adopted at the state level; and,

WHEREAS, the voters of the City of Berkeley have supported local efforts that align with many goals found in RoadMap Home 2030, including funding affordable housing through bonds, passing measures on rent stabilization and eviction protections, and moving funding from policing and carceral functions to housing and social services; and,

WHEREAS, the City Council of Berkeley has supported and passed some policies that overlap with the policies of RoadMap 2030, including ending exclusionary and racially discriminatory zoning; and,

WHEREAS, state and federal funding streams for affordable housing and local governments have been significantly reduced in recent years and state-level policies prevent Berkeley from protecting tenants; and

WHEREAS, RoadMap Home 2030 calls on the state to support local governments both with policy changes and financial support to bolster the endeavors of local governments and nonprofits to help ensure that good, affordable housing is built and preserved in Berkeley, tenants are protected, and discriminatory barriers are removed;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Berkeley proclaims its support for Roadmap Home 2030 and its comprehensive approach to addressing the housing crisis,

BE IT FURTHER AND FINALLY RESOLVED that the Clerk will send copies of this Resolution and the letters included to Senator Nancy Skinner, Assemblymember Buffy Wicks, and Governor Gavin Newsom.

May XX, 2021

The Honorable Nancy Skinner  
Senator, 9th District  
State Capitol, Room 5094  
Sacramento, CA 95814-4900

**RE: City of Berkeley's Support for Assembly Bill 1199**

Dear Senator Skinner,

The Berkeley City Council urges you to endorse the Roadmap Home 2030 – a bold, long-term plan to shape the future of housing in California – and work to implement the policy recommendations in your capacity as an elected official.

California is in a crisis that is the result of decades of layered policies at many levels of government, so simple solutions will neither capture the complexities nor will they address the scope of this crisis in any lasting way. An ameliorative, piecemeal approach runs the risk of leaving root causes unaddressed or creating new, unintended issues.

Roadmap Home 2030 is an example of a rigorous approach. It lays out a comprehensive 10-year vision and plan that, if fully implemented, would create 1.2 million new affordable homes for low-income Californians, protect 1 million low-income renter households from losing their homes, end homelessness for more than 150,000 Californians who are unhoused every night, and close racial equity gaps in housing for good. Its 51 state policy solutions are backed by hard data, compelling evidence, and clear projections of long-term impact. Furthermore, we are proud to see that policy solutions among this list that were spearheaded by the City of Berkeley.

The Berkeley City Council supports Roadmap Home 2030 and endorses comprehensive action to address the state's housing crisis.

Sincerely,

The Berkeley City Council

May XX, 2021

The Honorable Buffy Wicks  
Assemblymember, 15th District  
P.O. Box 942849  
Sacramento, CA 94249-0015

**RE: City of Berkeley's Support for Assembly Bill 1199**

Dear Assemblymember Wicks,

The Berkeley City Council urges you to endorse the Roadmap Home 2030 – a bold, long-term plan to shape the future of housing in California – and work to implement the policy recommendations in your capacity as an elected official.

California is in a crisis that is the result of decades of layered policies at many levels of government, so simple solutions will neither capture the complexities nor will they address the scope of this crisis in any lasting way. An ameliorative, piecemeal approach runs the risk of leaving root causes unaddressed or creating new, unintended issues.

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The Berkeley City Council supports Roadmap Home 2030 and endorses comprehensive action to address the state's housing crisis.

Sincerely,

The Berkeley City Council

May XX, 2021

The Honorable Gavin Newsom  
Governor, State of California  
1303 10th Street, Suite 1173  
Sacramento, CA 95814

**RE: City of Berkeley's Support for Assembly Bill 1199**

Dear Governor Newsom,

The Berkeley City Council urges you to endorse the Roadmap Home 2030 – a bold, long-term plan to shape the future of housing in California – and work to implement the policy recommendations in your capacity as an elected official.

California is in a crisis that is the result of decades of layered policies at many levels of government, so simple solutions will neither capture the complexities nor will they address the scope of this crisis in any lasting way. An ameliorative, piecemeal approach runs the risk of leaving root causes unaddressed or creating new, unintended issues.

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The Berkeley City Council supports Roadmap Home 2030 and endorses comprehensive action to address the state's housing crisis.

Sincerely,

The Berkeley City Council



**ROADMAP HOME 2030**

# A Roadmap to Thriving Communities for California

**March 25, 2021**





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# Appreciation and Acknowledgments

While Housing California and the California Housing Partnership took the lead – with deep support from our respective boards of directors – in developing California’s Roadmap Home 2030, the work would not have been possible without the support and participation of many people and organizations.

The California Budget & Policy Center served as a key partner, in policy development and research. We appreciate the vital input and partnership of Sara Kimberlin and Chris Hoene, as well as other members of their team.

The members of our two advisory committees provided critical guidance along the way. The Policy Advisory Committee included representatives from affordable housing, tenants’ rights, homelessness, health, and public policy sectors and provided expert input and feedback on Roadmap Home policy recommendations. The Research Advisory Committee, consisting of leading researchers on housing and homelessness from California universities and local and national research institutions, guided our methodological approach in line with the latest best practices and evidence-base and provided vital input and feedback. Committee members are listed at the end of this publication.

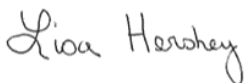
We also extend thanks to staff and partners who participated in our Racial Equity Task Force – including Francisco Dueñas, Tomiquia Moss, and Residents United Network leaders Willie Stevens and Zella Knight – and Cathy Albisa and Ryan Curren from Race Forward for leading the racial equity process that strengthened our analysis and approach to ensuring that the Roadmap Home advances racial justice.

Hundreds of stakeholders and partners participated in dozens of focus groups and meetings to share their wisdom, including members of the Governor’s Office and administration, legislative leaders and staff, affordable housing providers and advocates, homelessness advocates and service providers, tenants’ rights advocates, affordable housing residents, philanthropic organizations, public interest attorneys, pro-housing advocates, business groups, disability rights advocates, environmental justice advocates, and criminal justice reform advocates.

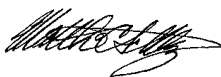
In particular we appreciate the following organizations for hosting these meetings: Residents United Network, Housing NOW, Southern California Association of Non Profit Housing, Non-Profit Housing Association of Northern California, San Diego Housing Federation, California Coalition for Rural Housing, Sacramento Housing Alliance, California Homelessness and Housing Policy Funders Network, Western Center on Law and Poverty, California YIMBY, California Forward, The Kelsey, and Disability Rights California.

We are forever grateful to Bill Pitkin, our project manager, and our narrative and communications consultants and advisors: TheCaseMade. Marketing by Design, Spitfire Strategies, and Swell Creative Group.

We also extend special thanks to David Zisser, Associate Director at Housing California, and Dan Rinzler, Senior Policy Analyst at California Housing Partnership, for their leadership and work with our teams on the Roadmap Home. Finally, we deeply appreciate the support from our funders: James Irvine Foundation, Conrad N. Hilton Foundation, and Chan Zuckerberg Initiative.



**Lisa Hershey**



**Matt Schwartz**



# 1. Why a Roadmap Home?

California has always held the promise of being a place where people could build a future for themselves and their families. That promise of opportunity represents how great our state can be.

But that promise is in jeopardy. The devastating effects of the recent pandemic and natural disasters on top of decades of racial injustice and rising economic inequality have put our future at risk. If we do not act now, we will lose the very thing that we love most about California – and that draws people and talent from around the world to make our economy prosper.

Securing California's future starts at home, where safety, stability and community are the foundations of our success. The single most important determinant of a child's opportunity for economic mobility, good health, and stability is where she grows up. For Black, Latinx, Indigenous, and people of color, who are hit hardest by systemic inequities, those foundations have been pushed even further out of reach by decades of racist housing policies.

We have a chance to bring stability and opportunity into focus for all Californians by investing our resources more equitably and sustainably. We all benefit when everyone has a stable, affordable home in a thriving community – whether it is building stronger pathways to equity, protecting our environment, improving our overall health, increasing the quality of our children's education, or strengthening our economy.

There has never been a better moment to put California on course for long-term equity, resilience, and sustainability, and housing is the foundation for ensuring that generations of Californians have a shot at success. That's why we need a Roadmap Home.



## 1.1. Vision, Goals, and Principles of the Roadmap Home

### Vision

The Roadmap Home demonstrates how, over the next ten years, the state can end homelessness, create affordable homes for those struggling the most, ensure that Californians can stay in their homes, and advance racial equity and economic inclusion — creating a California where everyone can thrive.

### Goals

To meet this vision and address the full need over the next 10 years, the Roadmap Home 2030 sets the following goals:

#### 01 CREATE 1.2 MILLION NEW AFFORDABLE HOMES

for low-income Californians and those experiencing homelessness, including 530,000 for extremely low-income households, 257,000 for very low-income households, and 407,000 for low-income households.

#### 02 PROTECT 1 MILLION LOW-INCOME RENTER HOUSEHOLDS

from losing their homes, including more than 300,000 who face eviction each year.

#### 03 END HOMELESSNESS

for more than 150,000\* Californians who are unhoused every night and over 400,000 who are unhoused throughout the year.

#### 04 CLOSE RACIAL EQUITY GAPS

in homelessness, housing affordability, housing stability, homeownership, and access to opportunity.

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\* Note: The Roadmap Home was developed with 2019 Point in Time data for homelessness. The 2020 data was released recently and showed a 7% increase to over 160,000, reinforcing the need for bold solutions.



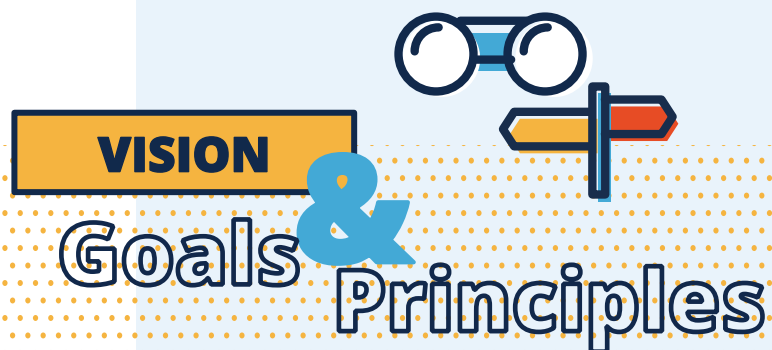
## Principles

The development of the Roadmap Home has been guided by a set of core principles:

- **Equity and justice:** Reversing historic discrimination in housing policy by intentionally advancing racial equity and ensuring accessible and inclusive housing for people with disabilities is both a moral imperative and critical to creating homes, health, and prosperity for all Californians.
- **Right to housing:** Housing is a human right, and everyone deserves a safe, stable, and affordable home in a thriving community.
- **Wealth-building:** Creating a path to affordable homeownership opportunities for low- and moderate-income households, particularly for Black Californians, is essential to closing the racial wealth gap that has resulted from generations of discriminatory housing policies.
- **Lived expertise:** Solutions must be grounded in and emerge from the experience of people most impacted, including Black, Latinx, Indigenous, people of color, formerly incarcerated individuals, and people with disabilities, by engaging leaders from these communities in policy design and implementation.
- **Evidence-based:** Solutions should be based on evidence, and we use disaggregated data to set measurable, results-based equity goals with specific attention to advancing racial and disability justice.
- **Housing First:** We believe in a Housing First approach to homelessness that prioritizes low-barrier permanent housing with available – but not required – services.
- **Human-centered:** Jurisdictions should focus on [human-centered approaches to unsheltered homelessness](#), rather than punitive measures that are costly, ineffective, and perpetuate racial disparities in the criminal justice system.
- **Fair housing + community development:** We believe housing strategies should be incorporated across the state of California, balancing affordable housing opportunities in resource-rich neighborhoods with comprehensive community development in low-income communities of color.
- **Cross-sector:** We recognize that there are many related issues, including employment, health, education, criminal justice, climate, and transportation, that are inextricably linked to housing, and we intend to be partners in creating and advancing actionable solutions.



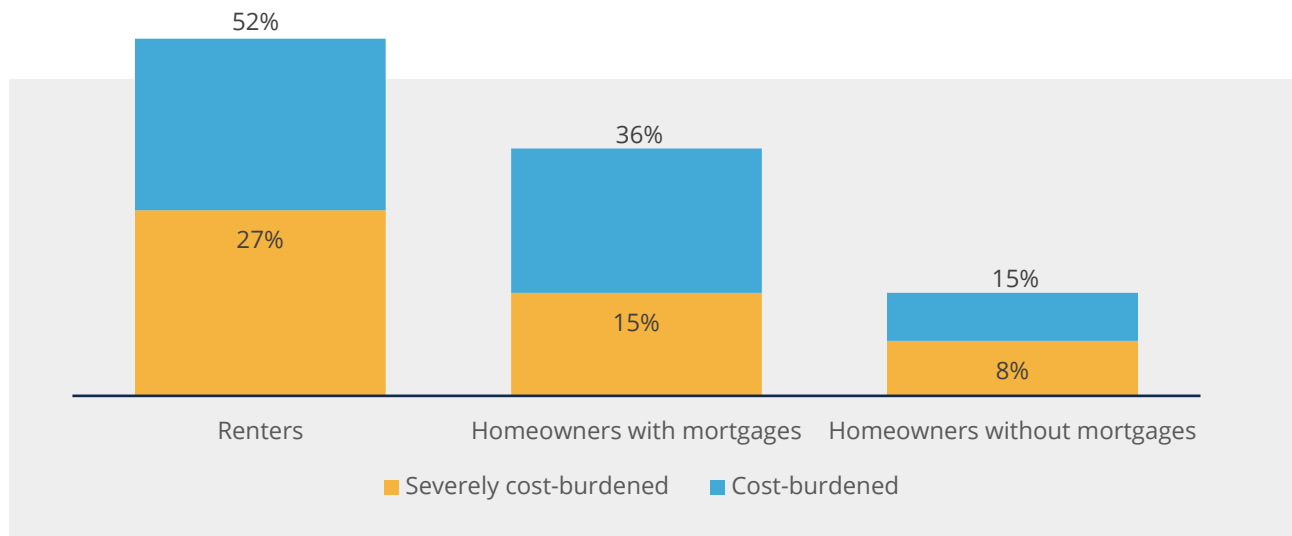
- **Collaboration:** Reaching our vision requires working together across public and private sectors, including local, state, and federal agencies as well as nonprofit and community-based organizations and philanthropic and corporate partners.
- **Diversity in the field:** Efforts to produce new housing should prioritize organizations and housing developers led/owned by Black, Latinx, Indigenous, and people of color to have equitable access, capacity building, and resources.
- **Homes for all:** While we focus on affordable homes for those struggling the most, we recognize that land use and regulatory reforms are needed to allow the private market to create homes for all, including middle-income Californians.
- **Federal partnership:** Meeting California's housing needs will require federal funding and legislation to complement state efforts.



## 1.2. Housing Need and Inequities

California has long faced challenges in providing enough affordable housing for its residents, and these problems have worsened in recent years. Even before the COVID-19 pandemic, over 60% of Californians viewed housing affordability and homelessness as big problems in their parts of the state. Housing costs and insecurity affect a broad swath of Californians and are most acute for low-income residents and people of color. The high cost of housing affects both renters and homeowners in California, with high levels of households paying more than 30% and even beyond 50% of their income toward housing costs.

### Percentage of California renter and homeowner households with housing cost burden



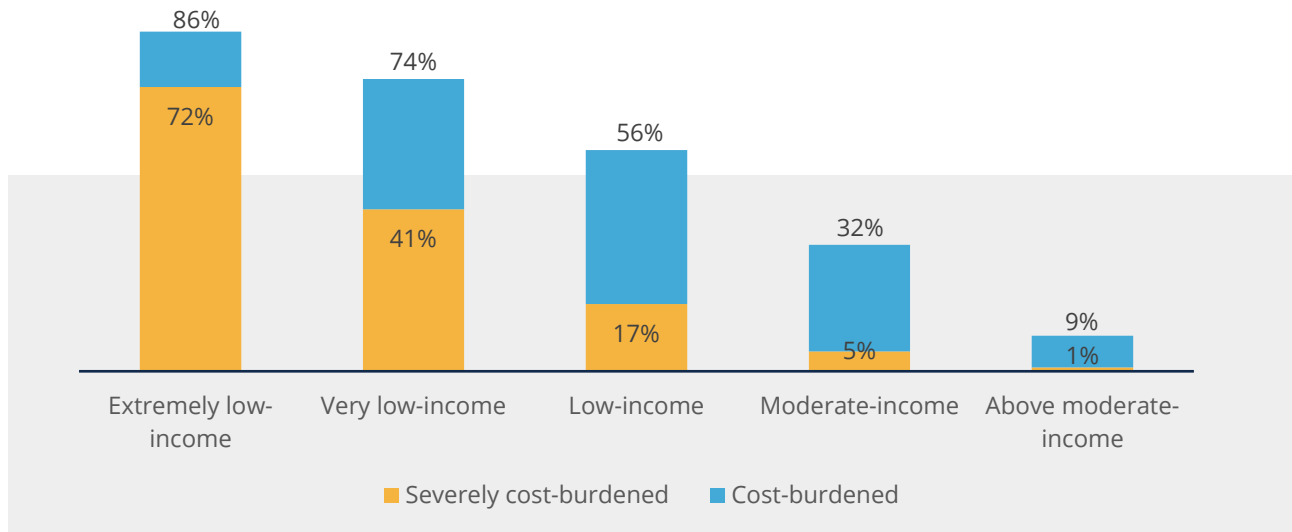
Source: California Budget & Policy Center analysis of US Census Bureau, American Community Survey data for 2019

The problem is particularly acute for renters. In order to afford average rent in the state, workers need to earn more than \$38 per hour, much higher than the minimum wage of \$14 and average wages in many key industries.

This mismatch between income and housing costs creates high levels of burden particularly for low-income families. Nearly 8 in 10 extremely low-income and over 5 in 10 very low-income households pay over half of their income toward housing, leaving little left over for other necessities and forcing families to make difficult choices.



## Percentage of California households with housing cost burden by income



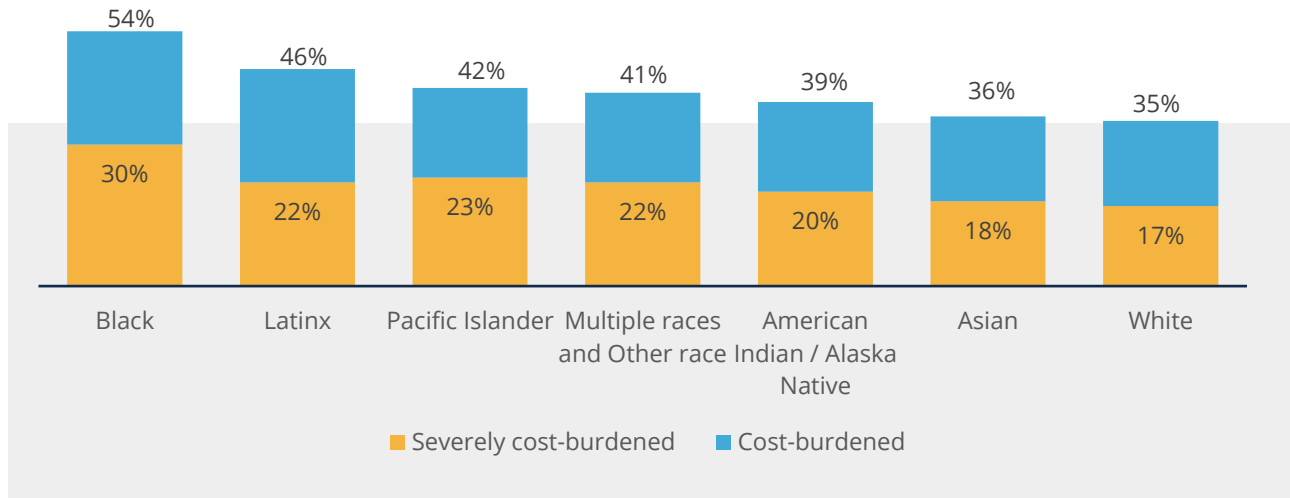
Source: California Budget & Policy Center analysis of US Census Bureau, American Community Survey data for 2019

Due to a long history of discrimination in housing and employment markets in California, these cost burdens hit people with disabilities and Black, Latinx, and Indigenous households and communities of color the hardest. Half of Black and Latinx families in California are cost-burdened, and according to a 2020 analysis, the most common factor in fair housing complaints in California is disability – defined in the Roadmap Home as including people with mobility, sensory, intellectual and developmental, psychiatric / mental health, and learning disabilities and people with chronic conditions. A person with a disability receiving Social Security Income would have to pay 138% of their monthly income to rent an efficiency unit and 161% of their monthly income for a one-bedroom unit.





### Percentage of California households with housing cost burden by race/ethnicity



Source: California Budget & Policy Center analysis of US Census Bureau, American Community Survey data for 2019

These high levels of housing cost burden and history of discrimination and racism have led to increasing housing insecurity and homelessness in the state. In 2020, approximately 161,000 people were homeless on any given night and 400,000 over the course of the year. People with disabilities and Black people in particular are most likely to experience homelessness. Californians clearly face severe barriers to accessing stable, affordable housing.

Designed as a comprehensive, equity-centered, and evidence-based plan to create homes for all in California, the Roadmap Home documents current and projected housing gaps over the next decade and proposes a bold package of policies and systems changes to close those gaps and advance racial equity.





## 2. Roadmap Home 2030 Equity-Centered Framework and Policy Package

### 2.1. Overview

#### A comprehensive framework for the next 10 years

To meet the Roadmap Home's goals over the next 10 years, California needs to embrace systems reform and structural change to implement equitable solutions in five core areas that advance racial equity and create homes for all.



#### **INVEST IN OUR VALUES**

Provide ongoing resources at scale to advance racial equity and create affordable homes for people experiencing homelessness and those struggling to make ends meet.



#### **PROMOTE FAIRNESS**

Restructure tax and finance systems to rectify structural discrimination and generate revenue to meet the scale of the need.



#### **REIMAGINE GROWTH**

Make it easier and cheaper to develop affordable homes in all communities, including opportunity-rich areas where Black, Latinx, Indigenous, and other people of color have been excluded.



#### **PROTECT PEOPLE**

Ensure that renters have equitable access to housing, can stay in their homes and communities, and are protected from market speculation and systemic discrimination.



#### **CREATE EFFICIENCY AND ACCOUNTABILITY**

Ensure that taxpayer dollars are spent wisely and equitably through clear leadership, streamlined processes, and seamless coordination.



The policy package outlined in this section reflects what it would take to meet the Roadmap Home goals – creating 1.2 million affordable homes, ending homelessness, protecting 1 million more low-income renter households, and closing racial equity gaps in housing – by 2030.

It includes 51 solutions that fall in the five categories of this comprehensive framework that California should implement over the next ten years. To meet the Roadmap Home goals, we also need federal action, as detailed by the 6 policies in the Federal Sidebar.

“A clear, long-term strategy would make it more likely that the state’s investments would have a meaningful ongoing impact on its housing and homelessness challenges.”

*California Legislative Analyst’s Office*

“The State needs to expand the purpose of its housing plan and require [the California Department of Housing and Community Development] to provide a roadmap for how the State is going to build enough affordable housing to address the severe shortage.”

*California State Auditor*

## **Research and policy development process**

The policy solutions presented here resulted from extensive research and policy development by the Roadmap Home team, partners, and advisory committee members. In Spring 2020, the Policy Advisory Committee promoted a range of ideas within working groups, and the Roadmap Home team solicited input from hundreds of stakeholders in meetings and conference seminars held throughout the summer and fall of 2020. Working with the Research Advisory Committee, researchers at the California Housing Partnership and the California Budget & Policy Center measured and evaluated the extent to which policy proposals would advance Roadmap Home goals.

In the Fall of 2020, Race Forward led a racial equity analysis process with Roadmap Home team members and partners. Through this process, the Racial Equity Task Force evaluated the proposed framework and policy solutions with a racial equity lens, making adjustments to current proposals and introducing new ones to advance racial equity and meet Roadmap Home goals over the next ten years.



## Overall impact, cost, and return on investment

“We can no longer hesitate in moving the needle forward, we’ve got too many lives at stake.”

*Zella Knight, Residents United Network*

### Overall impact

If fully implemented, the comprehensive package of Roadmap Home policy solutions outlined in the next section would:

- end homelessness in our state for more than 150,000 Californians who are unhoused every night and over 400,000 who are unhoused throughout the year
- meet the need for 1.2 million affordable homes for Californians struggling the most over the next ten years (including 530,000 for extremely low-income households, 257,000 for very low-income households, and 407,000 for low-income households)
- protect more than 1 million low-income renter households from losing their homes, including more than 300,000 who face eviction each year
- close racial equity gaps in homelessness, housing affordability, housing stability, homeownership, and access to opportunity

In addition, the policy solutions would:

- help nearly 50,000 low- and moderate-income Californians purchase homes
- protect approximately 145,000 affordable homes from entering the speculative market
- lead to the creation of more than 500,000 market-rate homes
- help as many as 8 million low-income Californians each year access and stay in stable, affordable homes



## Overall costs

Many of the Roadmap Home’s policy proposals, including land use reforms and changes to our housing and homelessness systems, generate public cost savings by increasing efficiency and modernizing the way we operate.

Many proposals, including those that protect people from displacement and discrimination, cost relatively little to implement. Others require significant investment to ensure we uproot years of systemic underinvestment rather than merely chip away at the problem.

- California would need to invest approximately \$17.9 billion per year – an amount similar to what the state invests in higher education – to meet the scale of this need.
- The Roadmap Home illustrates that California has the resources, through creative new opportunities, to make these investments; the policy package includes revenue sources that would provide over \$23 billion per year.
- The federal government has its own role to play, and with the support of our Congressional leaders, it can be leveraged to help reach our goals faster and lower costs to the state.

## Return on investment

We cannot afford to delay this level of investment any longer – and the return on investment is significant.

For example, the housing development activity proposed in the Roadmap Home 2030 would:

- generate \$48 billion in wages and business income (\$2.7 trillion total over the 55-year affordability term for these developments)
- produce \$14 billion in state and local taxes annually (\$778 billion total)
- support 613,000 jobs annually (34 million total)

Research also shows that individuals and families who have access to safe and stabilizing homes have better outcomes in areas such as physical and mental health, educational attainment, and economic mobility. Locating affordable housing close to job centers is also critical for reducing transportation costs and meeting the state’s climate goals.

**To chart a new course and realize an equitable, resilient, and sustainable California, it is vital that we make systemic changes and serious, long-term investments today.**



## 2.2. Policy Package

Meeting the Roadmap Home 2030 goals and addressing the scale of California’s housing needs requires a comprehensive set of solutions. Since some of these solutions interact, the sum of their individual impacts below exceeds their total combined impact. For details on how proposals interact, how each would advance racial equity, and methodology and impact estimates, refer to the Appendix.



### Invest in Our Values

Provide ongoing resources at scale to advance racial equity and create affordable homes for people experiencing homelessness and those struggling to make ends meet.

**A1. Provide local governments with flexible ongoing funding for a range of homelessness solutions. Investing \$4.2 billion per year in a permanent, predictable pool of state funds, sized to meet the scale of the homelessness crisis, would allow local stakeholders to invest in evidence-based solutions to meet the needs of all Californians experiencing homelessness. Key eligible uses would include:**

- Supportive housing to meet the needs of individuals with significant service needs experiencing chronic homelessness.
- Deeply affordable housing to enable individuals and families without significant service needs to exit homelessness and maintain permanent, stable housing.
- Shallow rental subsidies to close the gap between housing costs and incomes for people exiting homelessness, or for those with extremely low incomes who have not fallen into homelessness but face unsustainable housing costs and high risk of housing instability.
- Operations of local flexible housing subsidy pools to effectively coordinate rental subsidies and housing placements and to provide support for tenants and landlords

**Impact:**

More than

**400,000** people supported to exit homelessness per year

Up to

**275,000** households stabilized in housing each year

**Issue Area:** Homelessness, Housing instability



**A2. Scale state housing programs to meet the need and commit to funding them at that level for 10 years.**

California already has successful programs to finance affordable homes and solutions to homelessness, but they are not scaled to meet the need. Growing these proven programs by \$3.5 billion per year, along with making \$2.5 billion in operating subsidy available annually to ensure this housing is serving extremely low-income Californians, is necessary to achieve the goal of creating 1.2 million affordable homes by 2030. The State would not need to provide this amount of operating subsidy if federal housing choice vouchers significantly expand, as proposed by the Biden administration.

**Impact:**

**371,000**

new affordable homes

**1,077,000**

people served per year

**Issue Area:** Affordable housing, Homelessness

**A3. Initiate a \$10 billion state-wide housing bond** to fund five more years of affordable homes for low-income households and people experiencing homelessness. In 2018, California voters passed Propositions 1 and 2, making \$6 billion available for successful housing finance programs at the Department of Housing and Community Development (HCD) that address homelessness, workforce housing, and homeownership needs. HCD will award the last of these funds by 2022. Passing a housing bond of this magnitude on the November 2022 ballot would sustain California’s current level of affordable housing production.

**Impact:**

**102,000**

new affordable rental homes

**10,000**

new affordable ownership homes

**324,000**

people served per year

**Issue Area:** Affordable housing, Homelessness



**A4. Make permanent the \$500 million expansion of the state Low Income Housing Tax Credit** to increase affordable housing production through public-private partnerships. Federal Low-Income Housing Tax Credits are the basic building blocks with which almost all affordable rental housing is financed in California and across the United States. Having additional state credits would allow federal credits to be stretched further, resulting in more homes affordable to lower-income households, including people experiencing homelessness.

**Impact:**

**74,000**

new affordable homes

**215,000**

people served per year

**Issue Area:** Affordable housing, Homelessness

**A5. Give local government the funding they need to create and preserve affordable housing,** including housing for people exiting homelessness. Local governments are a key partner in addressing California's affordable housing and homelessness challenges, but since the loss of redevelopment they have had few funds at their disposal. This proposal would provide \$3.5 billion annually to local governments so that they can contribute to ending the state's affordable housing shortage by catalyzing new affordable home development with early capital investments.

**Impact:**

**422,000**

new affordable homes

**1,224,000**

people served per year

**Issue Area:** Affordable housing, Homelessness





### **A6. Empower voters to support building affordable homes locally by setting the threshold for passage of housing ballot measures at**

**55%**, generating approximately \$3 billion in local revenue over the coming decade. Issuing bonds is the most common way for local governments to finance affordable housing. Unfortunately, many local bonds have won ample majority voter support only to fall short of the current  $\frac{2}{3}$  supermajority requirement. Conforming to the 55% threshold for school bonds will better reflect the will of voters to invest in new affordable homes in their communities.

#### **Impact:**

**35,000**

new affordable homes

**101,000**

people served per year

**Issue Area:** Affordable housing

### **A7. Fund the conversion of commercial properties and rental properties occupied by low-income households currently on the private market into affordable homes,**

building on the success of Project Homekey. As we envision office work after the pandemic, vacant office buildings offer excellent opportunities for new affordable homes, including housing people experiencing homelessness. In addition, the decreasing value of hotels and older rental housing on the private market creates similar opportunities. Giving tenants and affordable housing organizations the first right of offer on rental homes that are offered for sale and investing \$1.1 billion each year to convert non-residential structures to new housing and ensuring long-term affordability of existing homes would be a cost-efficient way to grow California's stock of affordable homes and keep thousands of families in their homes.

#### **Impact:**

**90,000**

preserved affordable homes

**262,000**

people served per year

**Issue Area:** Affordable housing



**A8. Shift savings from planned and future state prison closures** and from reductions in the number of individuals under criminal justice supervision to invest in communities and fund housing and services for formerly incarcerated Californians facing homelessness. California is projected to be able to close multiple state prisons and juvenile justice facilities in coming years due to declining incarceration rates. Using the resulting state savings to provide housing subsidies and other service needs is an equitable way to reinvest resources formerly dedicated to criminal justice to address high rates of homelessness among formerly incarcerated individuals.

**Impact:**

Up to **\$1 billion** made available annually to address housing needs of formerly incarcerated individuals

**Issue Area:** Homelessness

**A9. Ensure that all affordable housing developments are disability inclusive** by requiring that all affordable housing funded by state programs include at least 15% of new units with mobility-accessible features and an additional 10% with hearing/vision accessible units, and provide incentives for developers to build accessible, affordable, and inclusive developments that go beyond these minimum requirements.

**Impact:**

**217,000**

accessible affordable homes

**629,000**

people served per year

**Issue Area:** Affordable housing



**A10. Provide purchase assistance for first-time low- and moderate-income homebuyers** that factors in local market conditions. Homeownership is a

proven model of wealth building and key to advancing racial equity. Making it possible for low- and moderate-income families to purchase a home requires greater levels of subsidy than today's down payment assistance programs allow. Investing \$250 million annually to provide low- and moderate-income homebuyers with a silent second mortgage scaled to housing prices in their community bridges that gap. Upon sale or refinance, the homebuyers would repay the loan plus a share of the increase in any value to the state.

**Impact:**

**12,000**

affordable homes purchased

**35,000**

people served per year

**Issue Area:** Affordable housing, Homeownership

**A11. Provide funding to nonprofit developers to construct self-help ownership housing.** Self-help, or "sweat equity," housing is a proven model whereby

homebuyers volunteer their time and/or labor to construct new homes and then purchase their home at an affordable price. Investing \$250 million annually in this strategy would both increase housing supply and make homeownership affordable to low-income families.

**Impact:**

**15,000**

new affordable ownership homes

**44,000**

people served per year

**Issue Area:** Affordable housing, Homeownership



**A12. Fund nonprofits and local governments to purchase existing homes for affordable resale.**

Providing \$250 million annually would allow established public and community entities to move as quickly as other buyers to purchase homes for sale in a competitive market. After securing the homes, these entities in turn would offer them at an affordable price to low- and moderate-income homebuyers, who otherwise are unable to afford market prices.

**Impact:**

**12,000**

affordable homes purchased

**35,000**

people served per year

**Issue Area:** Affordable housing, Homeownership

**A13. Provide comprehensive community investment in low-income communities of color by evolving and expanding the Transformative Climate Communities (TCC) Program to include a broader set of eligible investments which affect wellbeing and opportunity for residents.**

Place-based, flexible funding for comprehensive strategies can be an equalizer in neighborhoods that have been historically excluded from critical investments and where residents have often been marginalized from decision-making about development and planning in their own communities. Investing \$250 million annually from cap-and-trade revenue – while maintaining the continuous appropriation for the Affordable Housing and Sustainable Communities Program – would support 70 comprehensive, multi-sector initiatives that address barriers to opportunity in these communities across the state over 10 years, ushering in resources to improve educational and economic prospects for residents.

**Impact:**

**22**

communities served per year



**A14. Fund preservation of older affordable developments in need of**

**rehabilitation.** As buildings age, they need repair. While we seek to expand California's supply of affordable homes, we must also maintain what we have. By investing \$100 million per year to ensure ongoing access to funding for rehabilitation, California's existing affordable homes will continue to house low-income families with dignity.

**Impact:****11,000**

preserved affordable homes

**32,000**

people served per year

**Issue Area:** Affordable housing**A15. Create a Medi-Cal benefit for housing navigation and tenancy support services.**

Housing is a key social determinant of health. Leveraging federal matching dollars through Medi-Cal can multiply the impact of a state investment of \$216 million per year in addressing the housing needs of individuals with serious physical or behavioral health challenges who are also experiencing or at risk of homelessness. Structuring this support as an entitlement ensures adequate and equitable access for all individuals who need this assistance.

**Impact:****100,000**

individuals per year provided with housing navigation and tenancy support services

**Issue Area:** Homelessness

**A16. Provide predevelopment funding to help mission-driven developers acquire sites in high-resource areas.**

Experience and stakeholder feedback has shown that current state incentives for family apartments in high-resource areas have had only modest impacts as many impediments – particularly entitlement risk – remain. This proposal would provide \$50 million annually to expand the existing Predevelopment Loan Program with resources dedicated for the new construction of affordable family developments in high-resource areas. Up to 50% of each loan, in addition to the reasonable costs of post-entitlement lawsuits, would be forgiven if entitlements are not obtained.

**Impact:**

**18,000**

affordable homes in high-resource areas

**51,000**

people served per year

**Issue Area:** Affordable housing

**A17. Support a 2-year targeted housing stability benefit demonstration project**

that would make rental assistance available to all extremely low-income households with severe housing cost burden living within three targeted localities representing geographic diversity. The objectives of this pilot project would be to demonstrate the individual and community impact of providing guaranteed access to housing support for households with the greatest housing needs, while identifying and developing promising practices for implementation.

**Impact:**

**3**

localities targeted for demonstration project

**Issue Area:** Housing Stability





## Promote Fairness

Restructure tax and finance systems to rectify structural discrimination and generate revenue to meet the scale of the need.

**B1. Reform the mortgage interest deduction** to target benefits more equitably and generate up to **\$3.28 billion** annually to address affordable housing and homelessness needs. Equitable reforms include conforming to federal mortgage interest deduction rules to restrict deductions to interest on debt only up to \$750,000 and only for home equity loans used for home improvements (for \$410 million in revenue); eliminating the deduction for second homes and vacation homes (for \$210 million in revenue); and/or allowing the deduction only for tax filers with incomes below \$100,000 (for \$3.28 billion in revenue).

**B2. Ask millionaires to pay their fair share in taxes** in order to generate **\$4 billion** annually. Over the past decades, income inequality has increased dramatically, with only the highest-income Californians experiencing significant income gains after accounting for inflation. Taxing these highest-income households represents an equitable way to pay for the state's urgent housing and homelessness needs. A surtax on incomes over \$1 million of 1% to 3.5% (depending on income level) would generate \$4 billion to support these urgent needs.

**B3. Recapture state revenues lost through corporate tax loopholes and historical corporate tax rate reductions** to generate up to **\$2.4 billion** per year. The share of corporate income taxes paid in California has declined by more than half during the past three decades. Asking profitable corporations to pay their fair share can provide the support needed for the state to address housing affordability and homelessness. Specifically, California can restore the previous 9.6% state corporate tax rate and tax corporate revenues shifted to offshore tax havens by taxing GILTI (Global Intangible Low-Tax Income) in line with federal tax policy.

**B4. Tax commercial and industrial properties, except those zoned as commercial agriculture, based on their market value** rather than purchase value, generating **\$4 billion to \$7 billion** in local revenues.



**B5. Tax estates over \$3.5 million**, generating **\$1.8 billion** annually by requiring individuals who are passing on multi-million-dollar estates to their heirs to contribute to solving California's urgent housing affordability challenges.

**B6. Eliminate the like-kind exchange tax break, used by high-income individuals and corporations**, to raise **\$1.2 billion** in annual revenues for housing and homelessness. Currently, this tax break allows deferral of capital gains on business or investment property so that real estate speculators, wealthy investors, and corporations can avoid paying taxes when they sell or exchange property at a profit.

**B7. Require insurance companies to invest 1% of annual premiums in ways that benefit low-income individuals and communities, including affordable housing**, resulting in **\$1.5 billion** annually. Under the Community Reinvestment Act, banks are required to invest in the low-income communities in which they take deposits and make money doing so, but insurance companies have no such requirement to invest where they accept premiums. A "Community Reinvestment Act" for insurance companies would allow these companies to both make money and do good, helping address affordable housing needs in the process.

**B8. Remove exemptions (e.g., home sales) and per-transaction caps on the current document recording fee on real estate transactions**, generating an additional **\$750 million** in annual revenue. In order to provide ongoing funding for affordable housing, SB 2 of 2017 established the Building Home and Jobs Trust Fund with a \$75 fee levied upon the recordation of real estate documents. However, exemptions for home sales and a per transaction limit of \$225 reduced the expected annual revenues from \$1 billion to \$250 million. Eliminating these exemptions and caps will realize the originally expected revenues.

**B9. Apply a supplemental real estate document recording fee in cities that do not have a minimum percentage of affordable homes**, generating **\$500 million** in annual revenue. For decades, exclusionary communities have been successful in thwarting the development of affordable homes. Imposing an additional recording fee in such communities will both incentivize these jurisdictions to permit new affordable homes and raise money to construct the homes.







# Reimagine Growth

Make it easier and cheaper to develop affordable homes in all communities, including opportunity-rich areas where Black, Latinx, Indigenous, and other people of color have been excluded.

**C1. End exclusionary and racially discriminatory zoning in resource-rich neighborhoods by allowing increases in building height and density for mixed-income and affordable housing developments.**

Up-zoning should occur in resource-rich neighborhoods whose characteristics are associated with positive outcomes for families and children, and where employment and commuting patterns suggest more housing could shorten commutes. Fire-prone areas and communities of color experiencing displacement and gentrification pressure would be exempted.

**Impact:**

**138,000**

new affordable homes at no public cost and

**465,000**

new market-rate homes

**380,000**

people served per year (affordable homes only)

**Issue Area:** Affordable housing



**C2. Allow new apartment and condominium developments to be built in commercial and mixed-use zones when at least 20% of the homes are affordable to low-income households.**

Access to appropriately zoned sites is a prerequisite to the development of affordable homes. Because local governments see revenue potential from sales tax growth, they often overzone for commercial uses at the expense of housing. Moreover, e-commerce and the pandemic are changing shopping and office habits forever. Allowing housing in commercial zones opens up appropriate sites for housing and ensures vibrant and productive uses of these properties. The affordable housing requirement ensures that the public captures the increased value of the land associated with allowing residential uses.

**Impact:**

**16,000**

new affordable homes at no public cost and

**64,000**

new market-rate homes

**44,000**

people served per year (affordable homes only)

**Issue Area:** Affordable housing

**C3. Speed up affordable housing production and eliminate inequitable misuses of the California Environmental Quality Act (CEQA) by exempting new housing developments, including Project Homekey hotel conversions, that are 100% affordable to low-income households,**

while continuing to address environmental justice concerns. Affordable rental housing is compact, green, and located in infill locations. It is also subject to intense scrutiny by local governments who approve land use entitlements and funding. Unfortunately, some opponents use CEQA litigation to derail developments for non-environmental reasons after the homes have already garnered the support of the city council or board of supervisors. Even the prospect of litigation deters some housing providers from proposing new affordable homes. Curbing this abuse would bring certainty to the development process, especially in higher-resource communities that have few affordable homes.

**Issue Area:** Affordable housing, Homelessness



**C4. Allow by-right development of housing on low-income housing element sites if at least 50% of the homes are affordable.**

State housing element law already requires cities and counties to identify sites that are appropriately zoned to accommodate affordable homes. However, these sites do not necessarily allow the development of affordable housing by right, i.e., without a risky and time-consuming discretionary vote. Allowing development of these sites by right ensures that these sites specifically designated to accommodate affordable homes are ready for their intended uses.

**Issue Area:** Affordable housing

**C5. Require that HCD proactively monitor, provide technical assistance, and enforce existing local land use laws, and create a faster and more effective method of enforcing the existing Housing Accountability Act (HAA).**

While California has many strong housing production laws – housing element, density bonus, SB 35 streamlining, and the HAA to name a few – compliance and enforcement remain a challenge. These laws largely rely on private enforcement, and due to time, expense, and uncertainty, most housing providers are reluctant to go to court to challenge a city or county that violates the law. HCD can more proactively help local governments navigate and comply with the law. In addition, a state Housing Accountability Committee with the authority to adjudicate HAA violations and overturn illegal denials or conditions of approval is a more timely and effective means of ensuring that meritorious developments can begin construction.

**Impact:**

**10,000**

new affordable homes

**28,000**

people served per year

**Issue Area:** Affordable housing, Homelessness



**C6. Reimburse local government 50% of fee waivers or reductions for affordable housing.**

Local government impact fees often run into the millions of dollars per development and can significantly increase costs of construction. Local governments can be incentivized to voluntarily waive these fees for affordable development by sharing the lost revenues. This approach would ensure that cities and counties could support affordable housing and also provide the infrastructure that makes development possible. In addition, lower development costs resulting from fee waivers would translate into savings for housing subsidy programs, allowing them to fund additional affordable developments.

**Impact:**

**123,000**

new affordable homes

**356,000**

people served per year

**Issue Area:** Affordable housing, Homelessness

**C7. Require either on-site affordable homes, land dedication, or an in-lieu fee when agricultural lands are rezoned to residential uses.**

When a city or county rezones agricultural land for residential use, the value of the land increases substantially, creating a windfall for the landowner. Requiring affordable homes or contributions to affordable housing captures some of this publicly-created value for a public benefit.

**Impact:**

**9,000**

new affordable homes

**24,000**

people served per year

**Issue Area:** Affordable housing





## Protect People

Ensure that renters have equitable access to housing, can stay in their homes and communities, and are protected from market speculation and systemic discrimination.

**D1. Expand statewide protections for renters from unfair evictions and unaffordable rent increases by strengthening the state rent cap and just cause eviction law.** Build on the protections adopted through AB 1482 by removing the exemption from the cap and from just cause eviction protections for single-family home rentals with non-institutional owners and/or by lowering the cap for allowed rent increases.

**Impact:**

**1.4 million** additional renters protected, including 781,000 renter households with low incomes and 268,000 with moderate incomes

**Issue Area:** Housing stability

**D2. Give local jurisdictions greater flexibility to design rent stabilization policies that are successful in protecting renters and can be tailored to local conditions by repealing or reforming Costa-Hawkins.** Changes that would enhance local flexibility include applying a standard rolling 15 year new construction exemption period, allowing local policies to apply to single-family home rentals, and/or removing the prohibition on vacancy control.

**Impact:**

Nearly **600,000** additional renters protected in jurisdictions that already have local rent stabilization policies

**Issue Area:** Housing stability



**D3. Ensure renters have the knowledge and support needed to effectively enforce their rights against unjust eviction and prohibited rent increases by providing a right to legal counsel for renters facing eviction.**

Investing in legal representation, outreach, education, and emergency financial assistance can even the playing field for tenants in negotiating conflicts with better-resourced landlords.

**Impact:**

**320,000** renters provided with legal and other support

**Issue Area:** Housing stability

**D4. Remove inequitable barriers that block access to rental housing in the private market, particularly for people of color and low-income renters, by requiring landlords to follow inclusive and non-discriminatory practices when screening and accepting tenants.**

Among the specific strategies are: end the use of most criminal record searches in tenant screening (following the model adopted by jurisdictions like Oakland and Berkeley), limit the use of information from credit reporting agencies, and provide flexibility in how security deposits are paid, so that Californians are not blocked from housing due to factors with minimal relevance to tenant responsibilities that inequitably affect people of color and those with low incomes.

**Impact:**

Improved access to housing for the approximately **8 million** Californians with criminal records and millions of Californians with limited savings or negative items on credit reports

**Issue Area:** Housing stability



**D5. Provide emergency eviction protections and assistance to renters by creating a standing Renter and Small Landlord Resiliency Emergency Program that launches upon declaration of a crisis.**

Applying lessons from the COVID-19 pandemic and major wildfires can help minimize the impact of future disasters on California's renters and small landlords, including affordable housing providers.

**Issue Area:** Housing stability

**D6. Limit tenant displacement and luxury conversion of low-rent housing when properties are removed from the rental market by reforming or repealing the Ellis Act.** Reforms such as requiring a holding period for property owners or limiting how often property owners can implement Ellis Act evictions can help protect low-income tenants and the supply of housing that is affordable in the face of rapidly escalating rents and property values.

**Impact:**

**Thousands**

of renters protected from displacement every year

**Issue Area:** Housing stability

**D7. Repeal Article 34 of the California Constitution, which requires a majority of voters to approve publicly financed affordable housing in their city or county.** This antiquated provision is a relic of a segregationist past.

Moreover, it adds to the cost of developing desperately needed affordable homes by causing delays and uncertainty. Repealing Article 34 would update the constitution to match the practices in other states and meet the needs of a 21st century California.

**Issue Area:** Affordable housing, Homelessness



**D8. Reform the legal eviction process to provide tenants with more time and more protections to resolve landlord-tenant disputes and prevent evictions.**

Changes to unlawful detainer law that would strengthen tenants' ability to achieve fair resolution of conflicts with landlords and avoid displacement include increasing required notice timelines and requiring landlords to end eviction proceedings if rent debt is paid.

**Impact:**

**160,000**

renters annually facing formal evictions provided with stronger protections during the eviction process

**Issue Area:** Housing stability







## Create Efficiency and Accountability

Ensure that taxpayer dollars are spent wisely and equitably through clear leadership, streamlined processes, and seamless coordination.

### **E1. Speed the construction of affordable homes and reduce uncertainty and costs by streamlining the award of state funding for affordable housing developments into one decision-making process.**

California's fractured process for financing affordable rental housing through four distinct agencies is highly inefficient for both the state and housing providers. Allowing a developer to obtain all necessary state resources in a single unified application process – a “one stop shop” – would streamline state government and get developments to construction more quickly and at lower cost. These lower costs would translate into savings for housing subsidy programs, allowing them to fund additional affordable homes.

#### **Impact:**

**99,000**

new affordable homes

**288,000**

people served per year

**Issue Area:** Affordable housing



**E2. Improve efficiency and effectiveness of state homelessness funding across programs administered by different state agencies by aligning funding application processes and standardizing eligible housing and service models.**

With more than 40 programs addressing homelessness across at least 9 state agencies, the state’s process for administering homelessness funding is fragmented and inefficient. Improved coordination and standardization would make the process more streamlined for funding applicants and more consistent in aligning with evidence-based strategies to effectively address homelessness.

**Issue Area:** Homelessness

**E3. Increase the speed and efficiency of the delivery of emergency housing assistance by creating a revolving state fund to bridge the timing of disaster relief.**

Federal Community Development Block Grant Disaster Recovery (CDBG-DR) funding typically takes several years to become available to communities even though the need to replace housing lost in disasters is immediate. A new \$500 million revolving loan fund would bridge the timing of federal relief that could be used immediately for acquisition, predevelopment, and construction for affordable housing, single-family, and other multifamily housing eligible for CDBG-DR funding.

**Impact:**

**17,000**

homes rebuilt several years faster

**48,000**

people served per year

**Issue Area:** Affordable housing, Housing stability



**E4. Lower costs by allowing developers to request that HCD loan funds come in during the construction period.**

HCD funds its loan after construction is complete when developments convert to permanent financing. This requires developers to obtain larger construction loans and pay additional interest. Making HCD funds available during construction would save hundreds of thousands of dollars in construction interest expense per development. These lower costs would translate into savings for housing subsidy programs, allowing them to fund additional affordable homes.

**Impact:**

**7,000**

new affordable homes

**19,000**

people served per year

**Issue Area:** Affordable housing

**E5. To simultaneously advance housing, transportation, and climate change goals, tie Housing Element compliance and revamped Prohousing incentives to state transportation funding sources.**

Specifically, 1) require Housing Element compliance for accessing competitive transportation funding programs and incorporate meaningful point-score incentives for cities or counties that have achieved a Prohousing designation from HCD; 2) temporarily withhold Local Streets and Roads Program funding from cities and counties until their Housing Element is brought back into compliance; and 3) create a fully objective and empirically validated tool and publicly accessible dashboard to designate and monitor Prohousing jurisdictions.

**Issue Area:** Affordable housing



**E6. Bring modular affordable housing to scale** by seeding a \$25 million fund to make loans that cover upfront deposits, underwrite performance bonds for modular housing manufacturers, make state properties available for modular staging, educate developers and local building officials on the use of modular homes, and make \$15 million equity investments in four new modular factories to increase capacity with a priority for emerging entrepreneurs of color. Factory-built modular housing has the potential to significantly reduce the costs of construction, but limited capacity, financing challenges, and logistics hinder its uptake. By addressing these barriers, modular housing can live up to its full potential for cost reduction. In addition, lower costs would translate into savings for housing subsidy programs, allowing them to fund additional affordable homes.

**Impact:**

**38,000**

new affordable homes

**110,000**

people served per year

**Issue Area:** Affordable housing

**E7. Prioritize access to affordable housing and homeownership programs for residents of low-income communities,** who are disproportionately Black, Latinx, and other people of color. This policy would expand housing choice by ensuring that residents of low-income communities have the option to move into new affordable housing in their own neighborhoods, as well as in other neighborhoods, as it becomes available.

**Issue Area:** Housing stability, Affordable housing

**E8. Build local capacity for homelessness planning, improve local governance, and create more accountability.** Providing or facilitating technical assistance and peer learning opportunities can increase successful implementation of best practices in planning and administering homelessness services. Increasing local accountability to the state for homelessness planning – by leveraging HUD Continuum of Care planning resources and requiring local jurisdictions to submit and address plans when applying for state funding and updating Housing Elements – can help ensure plans adequately address needs and translate into action.

**Issue Area:** Homelessness



**E9. Ensure that individuals temporarily housed through state systems and institutions (such as criminal justice, child welfare, hospitals/health) have the support they need to avoid discharge into homelessness.**

Develop standard discharge protocols across state systems to provide housing navigation support and link individuals to concrete housing resources and other basic supports before they exit state systems of care.

**Impact:**

More than **40,000** people each year receive robust discharge planning

**Issue Area:** Homelessness

**E10. Establish regional waitlists for affordable housing.** Waitlists for affordable housing are currently administered at the property level, which potentially limits the pool of prospective residents to those who already live nearby. Establishing regional waitlists for affordable housing would ensure broad access to new developments, particularly those in resource-rich areas where Black, Latinx, Indigenous and other people of color have been historically excluded. These waitlists would be accessible to people with disabilities and would identify whether available units are accessible.

**Issue Area:** Affordable housing



## Federal Sidebar

### Bold solutions require federal partnership

**F1. Make Housing Choice Vouchers an entitlement for eligible low-income households**, which would contribute significantly to ending homelessness and ensuring access to affordable homes for the lowest income Californians. Making Housing Choice Vouchers an entitlement would also reduce the amount of operating subsidy and rental assistance the State would need to provide to meet its ambitious housing goals.

**F2. Provide temporary emergency rental assistance for renters unable to pay rent** as a result of lost income during crises like COVID-19 to prevent displacement and homelessness and keep landlords, including affordable housing providers, solvent.

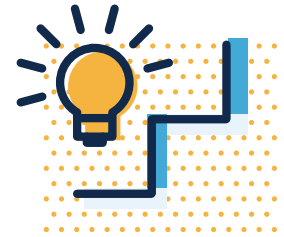
**F3. Increase the share of project-based vouchers housing authorities are allowed to issue.** Housing Choice Vouchers pay the portion of a tenant's rent that is unaffordable to the tenant. When project-based vouchers are assigned to specific affordable homes, a housing provider can leverage this additional income to finance construction with private funds. Increasing the limits on project-basing in federal law would unlock this untapped private capital.

**F4. Improve federal income and safety net supports** that help families and individuals with low incomes meet basic needs, including costs of housing. Strengthening supports such as the federal Child Tax Credit and Earned Income Tax Credit (EITC) can provide families and individuals with more resources to pay for housing, or to meet other basic needs, freeing up resources to cover housing costs. Investment in effective workforce development such as well-designed subsidized jobs can help individuals improve income over the long-term through employment.

**F5. Unlock Low-Income Housing Tax Credits and increase HUD funding.** The single biggest bottleneck to financing additional affordable rental housing in California is the oversubscription for tax-exempt bonds. As approved by the House in the Moving Forward Act of 2020, California could provide bonds to twice as many developments by reducing from 50% to 25% the threshold of project costs financed with tax-exempt bonds so affordable housing developments can access valuable and unlimited federal 4% Low-Income Housing Tax Credits. Additional funding for HUD programs, such as CDBG, Home, ESG, and the National Housing Trust Fund, would also create thousands of additional affordable homes.

**F6. Implement expanded eligibility for the HUD-VASH program** to include veterans who receive "other-than-honorable" discharges and assist veterans who could not be served previously and further reduce homelessness among veterans.





## 3. Conclusion and Next Steps

### 3.1. Summary

The comprehensive package of Roadmap Home 2030 policy solutions outlined above would meet the need for 1.2 million affordable homes for Californians, protect more than 1 million low-income households from losing their homes, end homelessness, and close racial equity gaps. Full summaries of all 57 policy solutions with impact research methodology and information on how they advance racial equity are in the Appendix (a separate report that can be downloaded from the website).

This plan is just a beginning in our efforts to create the structural change necessary to meet our goals. We conclude with next steps for research, policy development, and implementation, and a call to action for all Californians.

### 3.2. Policy Solutions for Further Exploration

During the process of developing the Roadmap Home, several ideas for policy solutions arose that we were unable to include in the current package but that warrant further exploration.

- **Supporting construction careers with fair wages and benefits** to build affordable homes as key to advancing racial equity and economic inclusion and ultimately achieving homes for all in California. This effort requires continued conversations; deeper partnerships; and stronger pathways for Black, Latinx, Indigenous, other people of color, and women locally, regionally, and statewide.
- **Anti-displacement policies** applicable to all market-rate housing development projects, including requirements to replace any housing units lost to new development and to ensure that existing residents have a right to a return to a unit that they can afford.
- **Allocating a percentage of the General Fund** for affordable housing.
- **Expanding availability of public land** for affordable housing development, building off of [Governor Newsom's executive order regarding excess state land and the Surplus Land Act](#) that applies to some local public land.
- **Vacancy taxes**, intended to motivate owners to develop vacant parcels and to either sell or rent unoccupied housing units, while also serving as an additional source of revenue.



### 3.3. Cross-Cutting Equity Recommendations to State Leaders

To ensure that the package of policy solutions effectively advance racial equity, it is imperative that individual policies are carefully designed, implemented, monitored, and enforced. Policy design details to intentionally advance racial equity are included in the policy summaries in the Appendix. In addition, state agencies and leaders need to adopt and implement policies and procedures that cut across the solutions in the previous section to center racial equity as we address California's housing and homelessness challenges. These cross-cutting recommendations include the following:

- **Create a statewide racial equity framework for investment** of all funding sources that considers segregation, disinvestment, exclusion, wealth building, and displacement.
- **Ensure that solutions are grounded in and emerge from the experience of our most affected communities**, including Black, Latinx, Indigenous, people of color, formerly incarcerated individuals, and people with disabilities, by engaging leaders from these communities in policy design and implementation.
- **Extend benefits and protections** such as affordable housing, rental assistance, tenant protections, services, and public benefits (e.g., Medi-Cal) to people **regardless of immigration status**.
- **Use, develop, and publish disaggregated data** to track and improve racial and disability justice outcomes. Metrics could include severe rent burden, experience of homelessness, access to first-time home purchase programs, access to state-subsidized affordable housing in opportunity-rich neighborhoods, involuntary displacement, and comprehensive investments in low-income communities of color.
- **Expand capacity to robustly monitor and enforce** existing and future state laws and regulations protecting Californians in the housing market, including fair housing requirements, tenant protections, and accessibility requirements (such as matching accessible units with people who need them).
- **Promote community control and public ownership** of land.





### 3.4. Call to Action - Roadmap Home 2030 Campaign

Making the Roadmap Home a reality requires collective action. It will take all of us to advance racial justice, end homelessness, and create stable, affordable homes in thriving communities for all Californians. Here is what you can do to be part of the solution:

#### TAKE ACTION



- Visit [www.RoadmapHome2030.org](http://www.RoadmapHome2030.org) to **endorse, take action, contribute**, and find out about upcoming Roadmap Home **events**.
- **Follow** and **share** the Roadmap Home on **Twitter**, **Facebook**, and **Instagram**.
- Spread the word with your friends, family, and networks.



## 4. Committee Members and Partners

### 4.1. Research Advisory Committee

- **Chris Benner** | UC Santa Cruz
- **Christopher S. Elmendorf**, | UC Davis School of Law
- **Dowell Myers** | Population Dynamics Research Group (USC)
- **Elizabeth Kneebone** | Turner Center for Housing Innovation (UC Berkeley)
- **Gary Painter** | Center for Social Innovation (USC)
- **Janey Rountree** | California Policy Lab (UCLA)
- **Margot Kushel** | UCSF Benioff Homelessness and Housing Initiative
- **Mary Cunningham** | Urban Institute
- **Moira O'Neill** | Institute for Urban and Regional Development and the Center for Law, Energy, and the Environment (UC Berkeley)
- **Nick Marantz** | UC Irvine
- **Paavo Monkkonen** | Lewis Center for Regional Policy Studies (UCLA)
- **Tim Thomas** | Urban Displacement Project (UC Berkeley)

### 4.2. Policy Advisory Committee

- **Alan Greenlee** | Southern California Association of Non Profit Housing (SCANPH)
- **Amie Fishman** | Non-Profit Housing Association of Northern California (NPH)
- **Anya Lawler** | Western Center on Law and Poverty
- **Ben Metcalf** | Turner Center for Housing Innovation (UC Berkeley) and Stronger Foundations
- **Bill Pickel** | Brilliant Corners
- **Brian Augusta** | California Rural Legal Assistance Foundation
- **Carolyn Coleman** | League of California Cities
- **Chris Hoene** | California Budget & Policy Center
- **Chris Ko** | United Way of Greater Los Angeles
- **Christina Livingston** | Alliance of Californians for Community Empowerment (ACCE) Institute
- **Cynthia Nagendra** | UCSF Benioff Homelessness and Housing Initiative
- **Doug Shoemaker** | Mercy Housing California
- **Francisco Dueñas\*** | Housing NOW!
- **Janice Jensen** | Habitat for Humanity
- **Jen Loving** | Destination Home
- **Jennifer Martinez** | PICO California
- **Justine Marcus** | Enterprise Community Partners
- **Karthick Ramakrishnan** | Center for Social Innovation (UC Riverside)
- **Marina Wiant** | California Housing Consortium (CHC)
- **Meghan Rose** | Leading Age California
- **Micah Weinberg** | California Forward
- **Monique King-Viehlend** | Urban Institute
- **Nan Roman** | National Alliance to End Homelessness (NAEH)



- **Navneet Grewal** | Disability Rights California (DRC)
- **Pablo Bravo** | Dignity Health
- **Rob Wiener** | California Coalition on Rural Housing
- **Sam Tepperman-Gelfant** | Public Advocates
- **Sharon Rapport** | Corporation for Supportive Housing (CSH)
- **Steve Russell** | San Diego Housing Federation
- **Tom Collishaw** | Self-Help Enterprises
- **Tomiquia Moss\*** | All Home
- **Verna Ekpeduma** | Residents United Network (RUN)
- **Willie Stevens\*** | Residents United Network (RUN)
- **Zella Knight\*** | Residents United Network (RUN)

\* Member of the Roadmap Home Racial Equity Task Force

### 4.3. Research and Policy Teams

- **Housing California** | Chris Martin, David Zisser, Iris Murillo, Jack Avery, Jacqueline Ramirez, Jazmin Posas, Jennifer Welch, Lisa Hershey, Tori Truscheit
- **California Housing Partnership** | Anthony Carroll, Christina Gotuaco, Dan Rinzler, Lindsay Rosenfeld, Mark Stivers, Matt Schwartz
- **California Budget & Policy Center** | Aureo Mesquita, Monica Davalos, Sara Kimberlin

### 4.4. Key Partners

- Race Forward
- TheCaseMade
- Spitfire Strategies
- Swell Creative Group
- Marketing by Design
- Bill Pitkin, project manager

### 4.5. Funders

- James Irvine Foundation
- Conrad N. Hilton Foundation
- Chan Zuckerberg Initiative
- California Housing Partnership and Housing California members, donors, and sponsors



**Our roadmap will bring everybody**



**How to find out more**

[info@roadmaphome2030.org](mailto:info@roadmaphome2030.org)



**SOPHIE HAHN**

Berkeley City Council, District 5  
 2180 Milvia Street, 5th Floor  
 Berkeley, CA 94704  
 (510) 981-7150  
 shahn@cityofberkeley.info

CONSENT CALENDAR  
 May 11, 2021

To: Honorable Members of the City Council  
 From: Councilmember Sophie Hahn (Author), Councilmember Kate Harrison (Cosponsor), and Mayor Jesse Arreguin (Cosponsor)  
 Subject: Resolution in support of AB 1289, Smart Climate Agriculture Program and AB 558, California School Plant-based Food and Beverage Program

**RECOMMENDATION**

Adopt a resolution in support of Assembly Bill 1289, Smart Climate Agriculture Program and Assembly Bill 558, California Plant-based Food and Beverage Program.

**BACKGROUND****AB 1289, Smart Climate Agriculture Program**

Existing law requires the Department of Food and Agriculture to promote and protect the agricultural industry of the state. The Cannella Environmental Farming Act of 1995, requires the department to establish and oversee an environmental farming program to provide incentives to farmers whose practices promote the well-being of ecosystems, air quality, and wildlife and their habitat.

AB 1289 would establish the Smart Climate Agriculture Program under the administration of the department.<sup>1</sup> As part of the program, the bill would require the department to, among other things, provide grants to persons farming on small to midsize farms to transition the use of the land from raising livestock or growing feed crops to plant-based agriculture and to provide technical assistance to those persons with regard to the program. The bill would require a person who receives a grant to provide a report, in consultation with a specified technical assistance provider, to the department that demonstrates that the person is transitioning to plant-based agriculture.

California has some of the world's most productive agricultural lands.<sup>2</sup> However, studies reveal that large portions of agricultural lands across the United States are predominantly used to cultivate feed crop for livestock. According to the U.S.

<sup>1</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB1289](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1289)

<sup>2</sup> [https://socialcompassioninlegislation.org/wp-content/uploads/2021/02/AB-1289\\_Smart-Climate-Agriculture-Program\\_03-29-21.pdf](https://socialcompassioninlegislation.org/wp-content/uploads/2021/02/AB-1289_Smart-Climate-Agriculture-Program_03-29-21.pdf)

Department of Agriculture, crops like corn, barely, oats, and sorghum are frequently used to feed livestock throughout the country, with 36% of corn crops and 75% of soybean going directly to farms to feed livestock.

The state has seen a notable increase in field crops like haylage, greenchop, and alfalfa, which are cultivated and used to feed livestock. These field crops are predominantly in areas of the state where there are dairy farms or feedlots.

GHG emissions, like methane and nitrous oxide, from animal agriculture are a significant contributor to climate change. Animal agriculture contributes an estimated 14.5 percentage of the world's total anthropogenic GHG emissions. In addition, the amount of GHG emitted from manure storage and enteric fermentation has increased, contributing to rising GHG levels.

Although federal agencies and state governments have supported methane digesters to help reduce GHG emissions, digesters are costly. Methane digesters have also inadvertently contributed to polluting our air and water systems.

Despite dairy being one of the largest segments of the livestock industry, farmers are experiencing a decline in demand due to overproduction, international competition, industry consolidation, and milk alternatives. As a result, farmers are incurring debt and struggling to keep their businesses operating.

Family farms that have transitioned from livestock, dairy, or crop feed farming to plant-based crops have been able to generate new job opportunities and business growth as the market for plant-based products continues to grow—a \$5 billion industry that some experts say could be worth \$85 billion by the year 2030.

As the world seeks to feed a growing population with our global population reaching 8.6 billion people by the year 2030 and 9.8 billion by the year 2050, plant-based farming can support the future demands placed on our food supply. Expanding the supply of locally grown fruits and vegetables can provide greater distribution to communities that are located in food deserts. According to a number of studies, plant-based diets help lower cholesterol, increase the consumption of naturally occurring vitamins and minerals, and lower the risk of chronic health conditions.<sup>3</sup> By increasing supplies of plant-based foods, Californians can generate more healthful food options.

AB 1289 will keep small and mid-sized farms in operation as smart climate agriculture. In doing so, the state can diversify its working lands, increase agricultural revenue, and make California a leader in supplying and processing plant-based foods and products. AB 1289 is sponsored by Social Compassion in Legislation and The Good Food Institute.<sup>4</sup>

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<sup>3</sup> [http://www.responsiblepurchasing.org/purchasing\\_guides/food/climate\\_friendly\\_food\\_purchasing.pdf](http://www.responsiblepurchasing.org/purchasing_guides/food/climate_friendly_food_purchasing.pdf)

<sup>4</sup> [https://socialcompassioninlegislation.org/wp-content/uploads/2021/02/AB-1289\\_Smart-Climate-Agriculture-Program\\_03-29-21.pdf](https://socialcompassioninlegislation.org/wp-content/uploads/2021/02/AB-1289_Smart-Climate-Agriculture-Program_03-29-21.pdf)

## **AB 558, California Plant-based Food and Beverage Program**

Existing law requires each school district or county superintendent of schools maintaining kindergarten or any of grades 1 to 12, inclusive, and each charter school to provide for each needy pupil one nutritionally adequate free or reduced-price meal during each school day. Existing law sets the reimbursement rates for free or reduced-price meals served to needy pupils at specified amounts.

AB 558 would establish within the State Department of Education the California School Plant-Based Food and Beverage Program.<sup>5</sup> The bill would authorize a local educational agency, as defined, to apply for funding, upon appropriation by the Legislature, for reimbursement of up to \$0.20 per meal for meals that include a plant-based food option, as defined, or up to \$0.10 per meal for meals that include a plant-based milk option, as defined, or both. The bill would require the department to make additional one-time payments of up to \$1,000, as specified, on a first-come-first-served basis to local educational agencies that receive meal reimbursement pursuant to the bill's provisions. The bill would also require the department, upon a one-time appropriation by the Legislature, to provide grants of up to \$100,000 to local educational agencies for additional purposes relating to the program. The bill would authorize the department to accept funding from private sources for the purpose of providing reimbursements or grants pursuant to these provisions. It would also require the department to adopt regulations to implement the program, establish guidelines for the evaluation of the program, report evaluation results to the Legislature, and conduct outreach.

AB 558 would incentivize healthy, climate friendly meals in California's public schools by providing an additional reimbursement to schools that serve a plant-based entrée or milk option.<sup>6</sup> Implementing a plant-based meal or a milk alternative in one's diet has both health and environmental benefits. Agriculture (excluding processing) generates 8% of California's greenhouse gas emissions, with livestock production accounting for two-thirds of those emissions, and 55% of the state's methane emissions. Animal foods generally have a significantly higher carbon footprint than plant-based foods. This is primarily due to methane emissions from the animal's digestive process and waste management, as well as nitrous oxide emissions from feed production.

California can improve student health while reducing greenhouse gas emissions associated with the estimated 540 million school lunches served each year by incentivizing more plant-based school meals.

A pilot analysis of Oakland Unified School District conducted by Friends of the Earth documented a 14% reduction in carbon emissions and a 6% reduction in water use as a result of the district reducing its meat and dairy purchases over the course of two years. Student satisfaction increased by 23%, demonstrating that it is possible to serve meals that are better for student health, better for the climate, and still delicious. Numerous

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<sup>5</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB558](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB558)

<sup>6</sup> <https://socialcompassioninlegislation.org/wp-content/uploads/2021/03/AB-558-Fact-Sheet-1.pdf>

school districts across the state have also been increasing plant-based offerings but often face cost barriers since animal-based foods and cow's milk are heavily subsidized by the federal government relative to plant-based foods and plant-based milk options.

AB 558 will enable these school districts to accelerate their shifts to healthy, climate-friendly menus by mitigating costs of healthy, plant-based meals. It will also provide support for staff training, student engagement, recipe development, and other technical assistance needed to help schools boost participation rates and successfully serve plant-based foods in all of California's public schools.

California's Fresh Start Pilot Program provided an extra reimbursement to schools to incentivize serving fresh fruits and vegetables. AB 558 replicates this proven successful model to encourage serving more healthy and climate-friendly meals, helping achieve climate goals while simultaneously improving students' health and supporting animal welfare.

AB 558 is sponsored by Social Compassion in Legislation and Friends of the Earth, among other organizations.<sup>7</sup>

#### FISCAL IMPACTS

None

#### CONTACT INFORMATION

Vice Mayor Sophie Hahn, Council District 5, 510-682-5905 (cell)

#### ATTACHMENTS

1. Resolution
2. Text of AB 1289
3. Text of AB 558

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<sup>7</sup> <https://socialcompassioninlegislation.org/wp-content/uploads/2021/03/AB-558-Fact-Sheet-1.pdf>



RESOLUTION NO. ##, #####-N.S.

IN SUPPORT OF AB 1289 SMART CLIMATE AGRICULTURE PROGRAM AND  
AB 558 CALIFORNIA SCHOOL PLANT-BASED FOOD AND BEVERAGE PROGRAM

WHEREAS, the food sector is a significant contributor to global greenhouse gas (GHG) emissions, with livestock production accounting for 14.5% of global GHG emissions, and the United Nations recognizing that “Livestock are one of the most significant contributors to today’s most serious environmental problems;” and

WHEREAS, greenhouse gas emissions from plant-based protein foods such as beans, lentils, peas and tofu are considerably lower than those from beef, pork, cheese and other animal products; and

WHEREAS, a diet high in plant-based foods and low in meat is recognized by leading experts to reduce risks of cardiovascular disease, obesity, hypertension and diabetes, and more than two thirds of adults and nearly a third of children and teens are overweight and obese in the United States, and obesity is associated with a higher risk of various health ailments including heart disease and type-2 diabetes; and

WHEREAS, Americans eat, on average, significantly more meat and significantly less plant-based food than is recommended by the Dietary Guidelines for Americans jointly developed by the United States Department of Agriculture and the Department of Health and Human Services; and

WHEREAS, the State of California has some of the world’s most productive agricultural lands; and

WHEREAS, Family farms that have transitioned from livestock, dairy, or crop feed farming to plant-based crops have been able to generate new job opportunities and business growth as the market for plant-based products continues to grow; and

WHEREAS, AB 1289 will help keep small and mid-sized farms in operation in profitable and climate friendly plant-based agriculture, allowing the state to diversify its working lands, increase agricultural revenue, and make California a leader in supplying and processing plant-based foods and products; and

WHEREAS, California can improve student health while reducing greenhouse gas emissions associated with the estimated 540 million school lunches served each year by incentivizing more plant- based school meals; and

WHEREAS, AB 558 will enable California school districts to accelerate their shifts to healthy, climate-friendly menus by mitigating costs of healthy, plant-based meals, and will also provide critical support for staff training, student engagement, recipe development, and other technical assistance needed to help schools boost participation rates and successfully serve plant-based foods in all of California’s public schools; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby supports Assembly Bill 1289 and Assembly Bill 558; and

BE IT FURTHER RESOLVED that copies of this Resolution be sent to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymember Buffy Wicks.

AMENDED IN ASSEMBLY APRIL 8, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1289**

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**Introduced by Assembly Member Kalra**

February 19, 2021

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An act to add Article 7.5 (commencing with Section 540) to Chapter 3 of Part 1 of Division 1 of the Food and Agricultural Code, relating to agriculture.

LEGISLATIVE COUNSEL'S DIGEST

AB 1289, as amended, Kalra. Smart Climate Agriculture Program: plant-based agriculture.

Existing law requires the Department of Food and Agriculture to promote and protect the agricultural industry of the state. Existing law, the Cannella Environmental Farming Act of 1995, requires the department to establish and oversee an environmental farming program to provide incentives to farmers whose practices promote the well-being of ecosystems, air quality, and wildlife and their habitat.

This bill would establish the Smart Climate Agriculture Program under the administration of the department. As part of the program, the bill would require the department to, among other things, provide grants to persons farming on small to midsize farms to transition the use of the land from raising livestock or growing feed crops to plant-based agriculture and to provide technical assistance to those persons with regard to the program. The bill would require a ~~person, as a condition of receiving a grant, to agree to use the land described in the grant application for plant-based agriculture for a period of time determined by the department and~~ *person who receives a grant* to provide a report, in consultation with a specified technical assistance provider, to the

AB 1289

— 2 —

department that demonstrates that the person is transitioning to plant-based agriculture.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) The Legislature finds and declares all of the  
2 following:

3 ~~(1) There are growing concerns around~~ *The state faces*  
4 *challenges in addressing climate change, preserving and protecting*  
5 ~~groundwater,~~ *preserving and protecting the state's agricultural*  
6 *working lands, and helping at-risk farmers keep their businesses*  
7 ~~and keep up with the growing demands of food production.~~ *food*  
8 *consumption demands of a growing population.*

9 (2) The Legislature has taken significant steps towards  
10 establishing policies and programs to preserve and protect the  
11 environment, combat climate change, provide for the health and  
12 well-being of all people, and ~~show compassion to, and support for,~~  
13 ~~the humane treatment of animals.~~ *support the state's farmers.*

14 (3) The state has some of the world's most productive  
15 ~~agricultural lands and grows a significant amount of lands,~~  
16 *representing a large fraction of the fruits, nuts, and vegetables for*  
17 *grown in the United States. However, studies have illustrated that*  
18 ~~large portions of agricultural lands across the United States are~~  
19 ~~instead of feeding people, much of this production is used to~~  
20 ~~cultivate feed crops for livestock. Corn, barley, oats, and sorghum~~  
21 ~~are used to feed livestock and, according~~ *According to the United*  
22 *States Department of Agriculture, 36 percent of corn grown in the*  
23 *United States and 75 percent of soybeans grown in the United*  
24 *States are used to feed livestock.*

25 (4) The state has seen a notable increase in the amount of land  
26 devoted to the cultivation of field crops such as haylage, greenchop,  
27 and alfalfa, which are ~~used to feed livestock. Millions of acres of~~  
28 ~~land are used to grow these high water intensive crops. These field~~  
29 ~~crops are predominantly grown in areas of the state where there~~  
30 ~~are dairy farms or feedlots. Foraging lands are located across the~~  
31 ~~state, but many of these lands are concentrated in places such as~~  
32 ~~the San Joaquin Valley and Imperial County.~~ *predominantly grown*  
33 *in areas of the state where there are dairy farms and feedlots.*

1 (5) Studies have shown that livestock and feed production are  
2 contributors to ~~global warming~~ *climate change* through emissions  
3 of ~~methane~~ *greenhouse gases such as carbon dioxide, methane,*  
4 and nitrous oxide. By transitioning *livestock and feed crop farming*  
5 to more plant-based agriculture, the state can reduce its emissions  
6 of greenhouse gases, provide a sufficient supply of food for a  
7 growing population, and diversify the agricultural lands of the  
8 state.

9 (6) Plant-based agriculture can benefit society in various ways,  
10 such as, by improving the health and well-being of all people by  
11 promoting plant-based diets. An increase in plant-based agriculture  
12 can help expand the supply of locally grown fruits and vegetables  
13 and provide greater distribution of those fruits and vegetables to  
14 inner-city food deserts. Studies have shown that plant-based diets  
15 ~~have proven to~~ help lower cholesterol, increase the consumption  
16 of naturally occurring vitamins and minerals, and lower the risk  
17 of chronic health conditions. By emphasizing the importance of  
18 plant-based foods, residents of the state can make ~~healthy~~  
19 ~~to that will~~ improve their health.

20 (7) The current world population is 7.6 billion people, and is  
21 projected to grow by 1.1 percent a year, with estimates reaching  
22 8.6 billion people by the year 2030 and 9.8 billion by the year  
23 2050. As the world population grows, plant-based agriculture can  
24 help aide and support the future demands placed on our food  
25 supply.

26 (8) Small to midsize family farms who transition from livestock,  
27 dairy, or crop feed farming over to plant-based agriculture will  
28 create job opportunities as market demand for plant-based products  
29 continues to grow.

30 (b) (1) By keeping small to midsize farms in operation and  
31 diversifying the state's working lands, it is the intent of the  
32 Legislature to increase agricultural revenue in the state and help  
33 the state become a leader in supplying and processing plant-based  
34 foods and products.

35 (2) It is further the intent of the Legislature that it be the policy  
36 of this state to adopt additional practices that will protect and  
37 preserve the state's environment and natural resources as the  
38 population continues to grow. By encouraging plant-based foods  
39 and practices, the state can improve its efforts to implement this  
40 policy.

1 SEC. 2. Article 7.5 (commencing with Section 540) is added  
2 to Chapter 3 of Part 1 of Division 1 of the Food and Agricultural  
3 Code, to read:

4

5 Article 7.5. Smart Climate Agriculture Program

6

7 540. For purposes of this article, the following definitions  
8 apply:

9 (a) "Expert assistance" means assistance from an agricultural  
10 scientist, climatologist, pedologist, horticulturist, hydrologist, or  
11 agronomist for assessment, design, planning, and best management  
12 practices of a land-use transition to plant-based agriculture.

13 (b) "Feed crop" means a crop that is grown for livestock  
14 consumption.

15 (c) "Livestock" means poultry, cattle, dairy cows, sheep, swine,  
16 goat, or fish.

17 (d) "Plant-based agriculture" means any farming that uses ~~less~~  
18 ~~water-intensive crops~~ *crops for growing inputs for plant-based*  
19 *products* and does not include livestock farming, dairy, or any crop  
20 production for livestock feed.

21 (e) "Program" means the Smart Climate Agriculture Program.

22 (f) "Technical assistance" means outreach, education, expert  
23 assistance, legal support for contractual barriers, project planning,  
24 project design, grant application assistance, *buyer expertise and*  
25 *packaging assistance*, project implementation, or project reporting  
26 assistance provided to a farmer to improve their successful  
27 participation in the program.

28 (g) "Technical assistance provider" means resource conservation  
29 districts, the University of California Cooperative Extension, and  
30 nonprofit organizations, with demonstrated technical expertise in  
31 designing and implementing agricultural management practices.

32 541. The Smart Climate Agriculture Program is hereby  
33 established in the department. The department shall administer the  
34 program and shall do all of the following as part of the program:

35 (a) Provide grants to persons farming on small to midsize farms  
36 to transition the use of the land from raising livestock or growing  
37 feed crops to plant-based agriculture.

38 (b) Develop best practices for transitioning land used for raising  
39 livestock or growing feed crops to plant-based agriculture.

1 (c) Provide technical assistance, in consultation with technical  
2 assistance providers, to persons farming on small to midsize farms.

3 (d) *Develop a rubric to prioritize applications for farmers to*  
4 *transition to sustainable crops in the following order:*

5 (1) *Less water-intensive crops in high demand.*

6 (2) *Less water-intensive crops in low demand.*

7 (3) *High water-intensive crops in high demand.*

8 (4) *High water-intensive crops in low demand.*

9 542. The department shall require an applicant for a grant to  
10 submit all of the following to the department in the application:

11 (a) A description of the land that will be transitioned from  
12 raising livestock or growing feed crops to plant-based agriculture.

13 (b) A plan that demonstrates how the applicant will transition  
14 the land described in subdivision (a) to plant-based agriculture  
15 using the best practices developed by the department pursuant to  
16 Section 541.

17 ~~(c) A description of how the transition of the lands described~~  
18 ~~in subdivision (a) to plant-based agriculture will reduce emissions~~  
19 ~~of greenhouse gases, improve soil quality, and reduce water~~  
20 ~~pollution.~~

21 ~~(d)~~

22 (c) Any other information the department deems necessary.

23 543. The department shall require a person who receives a  
24 grant ~~to do both of the following as a condition of receiving a~~  
25 ~~grant:~~

26 ~~(a) Agree to use the land described in the grant application for~~  
27 ~~plant-based agriculture for a period of time determined by the~~  
28 ~~department.~~

29 ~~(b) Provide~~ *provide* a report, in consultation with a technical  
30 assistance provider, to the department that demonstrates that the  
31 grant recipient is transitioning to plant-based agriculture.

O

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL****No. 558**

**Introduced by Assembly Member Nazarian Members Nazarian,  
Kalra, and Quirk-Silva  
(Coauthor: Assembly Member Bloom)**

February 11, 2021

An act to add Article 11.9 (commencing with Section 49569) to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, relating to school meals.

## LEGISLATIVE COUNSEL'S DIGEST

AB 558, as introduced, Nazarian. School meals: plant-based food and milk options: California School Plant-Based Food and Beverage Program.

Existing law requires each school district or county superintendent of schools maintaining kindergarten or any of grades 1 to 12, inclusive, and each charter school to provide for each needy pupil one nutritionally adequate free or reduced-price meal during each schoolday. Existing law sets the reimbursement rates for free or reduced-price meals served to needy pupils at specified amounts.

This bill would establish within the State Department of Education the California School Plant-Based Food and Beverage Program. The bill would authorize a local educational agency, as defined, to apply for funding, upon appropriation by the Legislature, for reimbursement of up to \$0.20 per meal for meals that include a plant-based food option, as defined, or up to \$0.10 per meal for meals that include a plant-based milk option, as defined, or both. The bill would require the department to make additional one-time payments of up to \$1,000, as specified, on a first-come-first-served basis to local educational agencies that receive



meal reimbursement pursuant to the bill’s provisions. The bill would also require the department, upon a one-time appropriation by the Legislature, to provide grants of up to \$100,000 to local educational agencies for additional purposes relating to the program. The bill would authorize the department to accept funding from private sources for the purpose of providing reimbursements or grants pursuant to these provisions.

The bill would require the department to adopt regulations to implement the program, establish guidelines for the evaluation of the program, report evaluation results to the Legislature, and conduct outreach.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 11.9 (commencing with Section 49569)  
2 is added to Chapter 9 of Part 27 of Division 4 of Title 2 of the  
3 Education Code, to read:

4  
5 Article 11.9. California School Plant-Based Food and Beverage  
6 Program

7  
8 49569. (a) There is hereby established within the department  
9 the California School Plant-Based Food and Beverage Program.

10 (b) In making procurement decisions pursuant to this article,  
11 local educational agencies are encouraged to give preference to  
12 the purchase of plant-based food options and plant-based milk  
13 options from California producers, when commercially available.

14 49569.1. (a) Upon appropriation by the Legislature in the  
15 annual Budget Act or another statute for purposes of this section,  
16 a local educational agency may apply for reimbursement in an  
17 amount of up to twenty cents (\$0.20) per meal for meals that  
18 include a plant-based food option and up to ten cents (\$0.10) per  
19 meal for meals that include a plant-based milk option. A single  
20 meal with both a plant-based food option and a plant-based milk  
21 option is eligible to receive reimbursement for both options, not  
22 to exceed the cost of the meal. The department shall pay the  
23 reimbursement amounts in quarterly installments. Reimbursement  
24 funds shall be deposited into the nonprofit school food service

1 account of the local educational agency. Reimbursement provided  
2 pursuant to this section shall be in addition to any other state or  
3 federal funding or reimbursement received.

4 (b) A local educational agency applying for the funds described  
5 in subdivision (a) shall provide documentation of the number of  
6 plant-based food options and plant-based milk options reimbursable  
7 under the federal National School Lunch Program that the local  
8 educational agency served in the baseline 2018–19 school year.  
9 A local educational agency that does not provide this  
10 documentation is not eligible for funding pursuant to this section.

11 (c) The funds described in subdivision (a) shall be available for  
12 plant-based food options or plant-based milk options that represent  
13 an increase from the number of reimbursable plant-based food  
14 options or plant-based milk options served in the baseline 2018–19  
15 school year, as demonstrated by the documentation required  
16 pursuant to subdivision (b).

17 (d) Upon appropriation by the Legislature in the annual Budget  
18 Act or another statute for purposes of this section, a local  
19 educational agency that receives meal reimbursement pursuant to  
20 this section shall receive an additional one-time payment of up to  
21 one thousand dollars (\$1,000) for the costs of collecting the  
22 2018–19 school year baseline data. The department shall make  
23 one-time payments pursuant to this subdivision on a  
24 first-come-first-served basis.

25 (e) (1) The department may limit the total amount of  
26 reimbursements and payments provided pursuant to this section  
27 to a total of three million dollars (\$3,000,000) per year.

28 (2) A limit established pursuant to paragraph (1) does not apply  
29 to funding from private sources.

30 49569.2. (a) Upon a one-time appropriation by the Legislature  
31 in the annual Budget Act or another statute for purposes of this  
32 section, the department shall provide grants, in an amount of up  
33 to one hundred thousand dollars (\$100,000), to local educational  
34 agencies for any of the following:

35 (1) To contract with third parties for professional development  
36 training for schoolsite staff on serving, including preparing,  
37 procuring, advertising, and creating menus for plant-based food  
38 options or plant-based milk options.

39 (2) To purchase cafeteria equipment to prepare plant-based food  
40 options or plant-based milk options, as needed.

1 (3) To provide technical assistance and pupil engagement and  
2 education on plant-based food options and plant-based milk  
3 options, including providing taste tests, recipe development, and  
4 culinary education.

5 (4) To provide additional compensation for additional work  
6 relating to serving meals that include a plant-based food option or  
7 a plant-based milk option pursuant to Section 49569.1, to the extent  
8 that funding is made available in the grant for this purpose.

9 (b) Grants awarded for a purpose identified in subdivision (a)  
10 shall be awarded on a competitive basis.

11 (c) In providing grants pursuant to this section, the department  
12 shall give priority to local educational agencies with the largest  
13 percentage of pupils eligible to receive free or reduced-price  
14 lunches.

15 (d) (1) Before entering into a contract with a third party for  
16 professional development training pursuant to paragraph (1) of  
17 subdivision (a), a local educational agency shall complete  
18 negotiations on the training with the schoolsite staff's exclusive  
19 representative, as defined in Section 3540.1 of the Government  
20 Code, if requested to do so by the exclusive representative.

21 (2) An employee shall not be required to attend professional  
22 development training pursuant to paragraph (1) of subdivision (a)  
23 for which the employee does not receive at least that employee's  
24 regular rate of pay or that takes place outside of that employee's  
25 normal working hours.

26 49569.3. The department shall do all of the following:

27 (a) Adopt regulations, as it deems necessary, to implement the  
28 program established pursuant to this article.

29 (b) Establish guidelines for the evaluation of the meal  
30 reimbursement and grant program.

31 (c) (1) Complete an evaluation of the meal reimbursement and  
32 grant program and report the results of the evaluation to the  
33 Legislature in compliance with Section 9795 of the Government  
34 Code by September 1, 2025. The evaluation shall include the  
35 number of local educational agencies that applied for and received  
36 meal reimbursement and payments, the number of meals provided  
37 by each local educational agency, the number of local educational  
38 agencies that applied for and received grant funding, and the  
39 manner in which local educational agencies used grant funds.

1 (2) The requirement for submitting a report imposed under  
2 paragraph (1) is inoperative on September 1, 2029, pursuant to  
3 Section 10231.5 of the Government Code.

4 (d) Conduct outreach, with special attention given to the local  
5 educational agencies with the largest percentage of pupils eligible  
6 to receive free or reduced-price lunches.

7 49569.4. The department may accept funding from private  
8 sources for the purpose of providing reimbursements and payments  
9 pursuant to Section 49569.1 or grants pursuant to Section 49569.2.

10 49569.5. For purposes of this article, the following definitions  
11 apply:

12 (a) “Local educational agency” means a school district, county  
13 office of education, or charter school maintaining kindergarten or  
14 any of grades 1 to 12, inclusive, that participates in the federal  
15 National School Lunch Program.

16 (b) “Nonprofit school food service account” has the same  
17 meaning as defined in Section 210.2 of Title 7 of the Code of  
18 Federal Regulations.

19 (c) “Plant-based food option” means a food that contains no  
20 animal products or byproducts, including meat, poultry, fish, dairy,  
21 or eggs, and that is recognized by the United States Department  
22 of Agriculture as a meat alternate for purposes of the federal  
23 National School Lunch Program.

24 (d) “Plant-based milk option” means a beverage that contains  
25 no animal products or byproducts, including dairy, and that is  
26 recognized by the United States Department of Agriculture as a  
27 nondairy fluid milk substitute for purposes of the federal National  
28 School Lunch Program.

29

30

31 **REVISIONS:**

32 **Heading—Lines 1 and 2.**

33

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Susan Wengraf  
Councilmember District 6

CONSENT CALENDAR  
May 11, 2021

To: Honorable Mayor and Members of the City Council  
From: Councilmember Susan Wengraf  
Subject: Letter of Opposition unless Amended regarding SB 9

**RECOMMENDATION**

Send a letter to Senators Atkins, Caballero, Rubio, Wiener and Skinner, Assemblymember Wicks and Governor Newsom, expressing the Berkeley City Council's concerns about SB 9: Housing development: approvals (Atkins) as drafted, and state our opposition to the bill unless it is amended to address our concerns.

**FISCAL IMPACTS**

None

**CURRENT SITUATION AND ITS EFFECTS**

SB 9, as drafted, by Senator Toni Atkins, circumvents local planning and zoning control and public input by mandating the ministerial approval of the development of two residential units and lot splits without a public hearing. The proposed bill also bypasses the California Environmental Quality Act (CEQA) which was established to require the thoughtful consideration of development on the environment and infrastructure. It also bypasses the [California Coastal Act of 1976](#), which recognizes that there are unique zoning and land management requirements in coastal areas of our state.

**BACKGROUND**

The City of Berkeley is committed to creating more housing across all income levels and shares the intent and goals of SB 9 to increase housing production. We understand that homes are out of reach for many people and housing is not being built fast enough to meet the current or projected needs of people living in California. Cities lay the groundwork for housing production by planning and zoning new projects in their communities based on extensive public input and engagement. As a result, Berkeley has built and entitled thousands of housing units during the past several years and plans to build thousands more, with the support of our community.

SB 9, as currently drafted, has no mandate for affordability, no provision for local flexibility or local decision-making or community input nor does it recognize the important value of extensive public engagement associated with developing and adopting zoning ordinances and housing policies. By proposing a "one formula fits all"

approach to zoning, the bill ignores the unique characteristics and needs of the hundreds of different cities in California.

The City of Berkeley requests the following amendments in order to address our concerns:

Clarify that a property owner using SB 9 is limited to constructing two residential units on each parcel;

Allow local governments to regulate adequate access for police, fire and other public safety vehicles and equipment;

Prohibit SB 9 in very high fire hazard severity zones;

Honor the California Coastal Act of 1976;

Allow cities to determine a range of lot sizes suitable for SB 9 development projects;

Better define what is meant by "transit" and remove the car share qualification;

Ensure HCD provides Regional Housing Needs Allocation (RHNA) credit for production of SB 9 units;

Allow local governments to take into account local conditions such as hillsides, lot dimensions, natural hazards, available infrastructure, etc.

Ensure speculators and investors do not exploit SB 9 provisions by buying, splitting and flipping parcels.

## ENVIRONMENTAL SUSTAINABILITY

SB 9 pre-empts the California Environmental Quality Act (CEQA) which was established to require the thoughtful consideration of development of the environment and infrastructure. This item seeks to reinstate CEQA review in SB 9.

## CONTACT PERSON

Councilmember Susan Wengraf

District 6

510-981-7160

Attachments:

1: Letter

2: [SB 9](#)

May 11, 2021

The Honorable Toni Atkins  
California Senator  
State Capitol, Room 205  
Sacramento, CA 95814

**RE: SB-9 (Atkins) “Housing development: approvals”  
Opposition Unless Amended from the Berkeley City Council**

Dear Senator Atkins,

The City Council of the City of Berkeley officially expresses our opposition unless amended to SB-9 (Atkins), Housing development: approvals.

The City of Berkeley is committed to creating more housing across all income levels and shares the intent and goals of SB 9 to increase housing production. We understand that homes are out of reach for many people and housing is not being built fast enough to meet the current or projected needs of people living in California. Cities lay the groundwork for housing production by planning and zoning new projects in their communities based on extensive public input and engagement. As a result, Berkeley has built and entitled thousands of housing units during the past several years and plans to build thousands more, with the support of our community.

SB 9, as currently drafted, has no mandate for affordability, no provision for local flexibility or local decision-making or community input nor does it recognize the important value of extensive public engagement associated with developing and adopting zoning ordinances and housing policies. By proposing a "one formula fits all" approach to zoning, the bill ignores the unique characteristics and needs of the hundreds of different cities in California.

The City of Berkeley requests the following amendments in order to address our concerns:

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Allow local governments to regulate adequate access for police, fire and other public safety vehicles and equipment;

Prohibit SB 9 in very high fire hazard severity zones;

Honor the California Coastal Act of 1976;

Allow cities to determine a range of lot sizes suitable for SB 9 development projects;

Better define what is meant by "transit" and remove the car share qualification;

Ensure HCD provides Regional Housing Needs Allocation (RHNA) credit for production of SB 9 units;

Allow local governments to take into account local conditions such as hillsides, lot dimensions, natural hazards, available infrastructure, etc.

Ensure speculators and investors do not exploit SB 9 provisions by buying, splitting and flipping parcels.

The City of Berkeley is committed to being part of the solution to the affordable housing shortage and will continue to work collaboratively with you to encourage creation of much needed housing. Thank you for considering the above amendments.

Sincerely,

*Berkeley City Council*

CC: Senator Anna Caballero  
Senator Susan Rubio  
Senator Scott Wiener  
Senator Nancy Skinner  
Assemblymember Buffy Wicks  
Governor Gavin Newsom



**SENATE BILL**

**NO. 9**

**Introduced by Senators Atkins, Caballero, Rubio, and Wiener  
(Coauthors: Senators Gonzalez and McGuire)  
(Coauthor: Assembly Member Robert Rivas)**

**December 07, 2020**

An act to amend Section 66452.6 of, and to add Sections 65852.21 and 66411.7 to, the Government Code, relating to land use.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 9, as amended, Atkins. Housing development: approvals.

The Planning and Zoning Law provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions.

This bill, among other things, would require a proposed housing development containing *no more than 2* residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements, including, but not limited to, that the proposed housing development would not require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, except as provided, and that the development is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

The bill would set forth what a local agency can and cannot require in approving the construction of 2 residential units, including, but not limited to, authorizing a city or county to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of up to *2-units; units or physically precluding either of the 2 units from being at least 800 square feet in floor area*, prohibiting the imposition of setback requirements under certain circumstances, and setting maximum setback requirements under all other circumstances.

The Subdivision Map Act vests the authority to regulate and control the design and improvement of subdivisions in the legislative body of a local agency and sets forth procedures governing the local agency's processing, approval, conditional approval or disapproval, and filing of tentative, final, and parcel maps, and the modification of those maps. Under the Subdivision Map Act, an approved or conditionally approved tentative map expires 24 months after its approval or conditional approval or after any additional period of time as prescribed by local ordinance, not to exceed an additional 12 months, except as provided.

This bill, among other things, would require a city or county to ministerially approve a parcel map or tentative and final map for an urban lot split that meets certain requirements, including, but not limited to, that the urban lot split would not require the demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the parcel is located within a residential zone, and that the parcel is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

The bill would set forth what a local agency can and cannot require in approving an urban lot split, including, but not limited to, authorizing a city or county to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of ~~2-units units, as defined,~~ on either of the resulting ~~parcels, parcels or physically precluding either of the 2 units from being at least 800 square feet in floor area,~~ prohibiting the imposition of setback requirements under certain circumstances, and setting maximum setback requirements under all other circumstances. *The bill, until January 1, 2027, would prohibit a local agency from imposing an owner occupancy requirement on applicants unless specified conditions are met.*

The bill would also extend the limit on the additional period that may be provided by ordinance, as described above, from 12 months to 24 months and would make other conforming or nonsubstantive changes.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment. CEQA does not apply to the approval of ministerial projects.

This bill, by establishing the ministerial review processes described above, would thereby exempt the approval of projects subject to those processes from CEQA.

The California Coastal Act of 1976 provides for the planning and regulation of development, under a coastal development permit process, within the coastal zone, as defined, that shall be based on various coastal resources planning and management policies set forth in the act.

This bill would exempt a local government from being required to hold public hearings for coastal development permit applications for housing developments and urban lot splits pursuant to the above provisions.

By increasing the duties of local agencies with respect to land use regulations, the bill would impose a state-mandated local program.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

## **DIGEST KEY**

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

**BILL TEXT**  
**THE PEOPLE OF THE STATE OF CALIFORNIA DO**  
**ENACT AS FOLLOWS:**

SECTION 1.

Section 65852.21 is added to the Government Code, to read:

**65852.21.**

(a) A proposed housing development containing *no more than* two residential units within a single-family residential zone shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets all of the following requirements:

(1) The parcel subject to the proposed housing development is located within a city the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(2) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(3) Notwithstanding any provision of this section or any local law, the proposed housing development would not require demolition or alteration of any of the following types of housing:

(A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(C) Housing that has been occupied by a tenant in the last three years.

(4) The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(5) The proposed housing development does not allow the demolition of more than 25 percent of the existing exterior structural walls, unless the housing development meets at least one of the following conditions:

(A) If a local ordinance so allows.

(B) The site has not been occupied by a tenant in the last three years.

(6) The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(b) (1) Notwithstanding any local law and except as provided in paragraph (2), a city or county may impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with this section.

(2) (A) The city or county shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two ~~units.~~ *units or that would physically preclude either of the two units from being at least 800 square feet in floor area.*

(B) (i) Notwithstanding subparagraph (A), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(ii) Notwithstanding subparagraph (A), in all other circumstances not described in clause (i), a local government may require a setback of up to four feet from the side and rear lot lines.

(c) In addition to any conditions established in accordance with subdivision (b), a local agency may require any of the following conditions when considering an application for two residential units as provided for in this section:

(1) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(2) For residential units connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(d) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(e) Notwithstanding Section 65852.2, a local agency shall not be required to permit an accessory dwelling unit on parcels that use both the authority contained within this section and the authority contained in Section 66411.7.

(f) Notwithstanding subparagraph (B) of paragraph (2) of subdivision (b), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(g) Local agencies shall include units constructed pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

(h) For purposes of this section, all of the following apply:

(1) A housing development contains two residential units if the development proposes *no more than* two new units or if it proposes to add one new unit to ~~an~~ *one* existing unit.

(2) The terms “objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a city or county, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(i) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for a housing development pursuant to this section.

## SEC. 2.

Section 66411.7 is added to the Government Code, to read:

### 66411.7.

(a) Notwithstanding any other provision of this division and any local law, a city or county shall ministerially approve, as set forth in this section, a parcel map or tentative and final map for an urban lot split that meets all the following requirements:

(1) The parcel map or tentative and final map subdivides an existing parcel to create two new parcels of *approximately* equal ~~size~~ *lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.*

(2) (A) Except as provided in subparagraph (B), both newly created parcels are no smaller than 1,200 square feet.

- (B) A local agency may by ordinance adopt a smaller minimum lot size subject to ministerial approval under this subdivision.
- (3) The parcel being subdivided meets all the following requirements:
- (A) The parcel is located within a residential zone.
- (B) The parcel subject to the proposed urban lot split is located within a city the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.
- (C) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.
- (D) The proposed urban lot split would not require demolition or alteration of any of the following types of housing:
- (i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
- (ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
- (iii) A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
- (iv) Housing that has been occupied by a tenant in the last three years.
- (E) The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.
- (F) The parcel has not been established through prior exercise of an urban lot split as provided for in this section.
- (G) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided for in this section.
- (b) An application for an urban lot split shall be approved in accordance with the following requirements:
- (1) A local agency shall approve or deny an application for an urban lot split ministerially without discretionary review.
- (2) A local agency shall approve an urban lot split only if it conforms to all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)), except as otherwise expressly provided in this section.
- (3) Notwithstanding Section 66411.1, a local agency shall not impose regulations that require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map or tentative and final map for an urban lot split.
- (c) (1) Except as provided in paragraph (2), notwithstanding any local law, a city or county may impose objective zoning standards, objective subdivision standards, and objective design review standards applicable to a parcel created by an urban lot split that do not conflict with this section.
- (2) A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design review standards that would have the effect of physically precluding the construction of two units on either of the resulting ~~parcels~~ *parcels or that would result in a unit size of less than 800 square feet*.
- (3) (A) Notwithstanding paragraph (2), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.
- (B) Notwithstanding paragraph (2), in all other circumstances not described in subparagraph (A), a local government may require a setback of up to four feet from the side and rear lot lines.

(d) In addition to any conditions established in accordance with subdivision (c), a local agency may require any of the following conditions when considering an application for an urban lot split:

(1) Easements required for the provision of public services and facilities.

(2) A requirement that the parcels have access to, provide access to, or adjoin the public right-of-way.

(3) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(e) A local agency shall require that the uses allowed on a lot created by this section be limited to residential uses.

*(f) (1) A local agency may impose an owner occupancy requirement on an applicant for an urban lot split that meets one of the following conditions:*

*(A) The applicant intends to occupy one of the housing units as their principal residence for a minimum of one year from the date of the approval of the urban lot split.*

*(B) The applicant is a “qualified nonprofit corporation.” A “qualified nonprofit corporation” means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under either of the following:*

*(i) Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.*

*(ii) Section 214.18 of the Revenue and Taxation Code for properties owned by a community land trust.*

*(2) A local agency shall not impose additional owner occupancy standards, other than provided for in this subdivision, on an urban lot split pursuant to this section.*

*(3) This subdivision shall become inoperative on January 1, 2027.*

~~(f)~~

*(g) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.*

~~(g)~~

*(h) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an urban lot split, the correction of nonconforming zoning conditions.*

~~(h)~~

*(i) (1) Notwithstanding any provision of Section 65852.2, Section 65852.21, Section 65852.22, Section 65915, or this section, a local agency shall not be required to permit ~~an accessory dwelling unit on parcels that use both more than two units on a parcel created through the exercise of the authority contained within this section and the authority contained in Section 65852.21.~~ section.*

~~(i)~~

*(2) For the purposes of this section, “unit” means any dwelling unit, including, but not limited to, a unit or units created pursuant to Section 65852.21, a primary dwelling, an accessory dwelling unit as defined in Section 65852.2, or a junior accessory dwelling unit as defined in Section 65852.22.*

*(j) Notwithstanding paragraph (3) of subdivision (c), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.*

~~(j)~~

*(k) Local agencies shall include the number of applications for urban lot splits pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.*

~~(k)~~

*(l) For purposes of this section, the terms “objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or*



subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a city or county, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(+)

(m) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(+)

(n) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for urban lot splits pursuant to this section.

### SEC. 3.

Section 66452.6 of the Government Code is amended to read:

#### 66452.6.

(a) (1) An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 24 months. However, if the subdivider is required to expend two hundred thirty-six thousand seven hundred ninety dollars (\$236,790) or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way that abut the boundary of the property to be subdivided and that are reasonably related to the development of that property, each filing of a final map authorized by Section 66456.1 shall extend the expiration of the approved or conditionally approved tentative map by 48 months from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than 10 years from its approval or conditional approval. However, a tentative map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps that may be filed shall be determined by the advisory agency at the time of the approval or conditional approval of the tentative map.

(2) Commencing January 1, 2012, and each calendar year thereafter, the amount of two hundred thirty-six thousand seven hundred ninety dollars (\$236,790) shall be annually increased by operation of law according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting. The effective date of each annual adjustment shall be March 1. The adjusted amount shall apply to tentative and vesting tentative maps whose applications were received after the effective date of the adjustment.

(3) "Public improvements," as used in this subdivision, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.

(b) (1) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence. However, the length of the moratorium shall not exceed five years.

(2) The length of time specified in paragraph (1) shall be extended for up to three years, but in no event beyond January 1, 1992, during the pendency of any lawsuit in which the subdivider asserts, and the local agency that approved or conditionally approved the tentative map denies, the existence or application of a development moratorium to the tentative map.

(3) Once a development moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.

(c) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction, if the stay of the time period is approved by the local agency pursuant to this section. After service of the initial petition or complaint in the lawsuit upon the local agency, the subdivider may apply to the local agency for a stay pursuant to the local agency's adopted procedures. Within 40 days after receiving the application, the local agency shall either stay the time period for up to five years or deny the requested stay. The local agency may, by ordinance, establish procedures for reviewing the requests, including, but not limited to, notice and hearing requirements, appeal procedures, and other administrative requirements.

(d) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the legislative body without first processing a new tentative map. Once a timely filing is made, subsequent actions of the local agency, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map. Delivery to the county surveyor or city engineer shall be deemed a timely filing for purposes of this section.

(e) Upon application of the subdivider filed before the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a). Before the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

(f) For purposes of this section, a development moratorium includes a water or sewer moratorium, or a water and sewer moratorium, as well as other actions of public agencies that regulate land use, development, or the provision of services to the land, including the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a final or parcel map. A development moratorium shall also be deemed to exist for purposes of this section for any period of time during which a condition imposed by the city or county could not be satisfied because of either of the following:

(1) The condition was one that, by its nature, necessitated action by the city or county, and the city or county either did not take the necessary action or by its own action or inaction was prevented or delayed in taking the necessary action before expiration of the tentative map.

(2) The condition necessitates acquisition of real property or any interest in real property from a public agency, other than the city or county that approved or conditionally approved the tentative map, and that other public agency fails or refuses to convey the property interest necessary to satisfy the condition. However, nothing in this subdivision shall be construed to require any public agency to convey any interest in real property owned by it. A development moratorium specified in this paragraph shall be deemed to have been imposed either on the date of approval or conditional approval of the tentative map, if evidence was included in the public record that the public agency that owns or controls the real property or any interest therein may refuse to convey that property or interest, or on the date that the public agency that owns or controls the real property or any interest therein receives an offer by the subdivider to purchase that property or interest for fair market



value, whichever is later. A development moratorium specified in this paragraph shall extend the tentative map up to the maximum period as set forth in subdivision (b), but not later than January 1, 1992, so long as the public agency that owns or controls the real property or any interest therein fails or refuses to convey the necessary property interest, regardless of the reason for the failure or refusal, except that the development moratorium shall be deemed to terminate 60 days after the public agency has officially made, and communicated to the subdivider, a written offer or commitment binding on the agency to convey the necessary property interest for a fair market value, paid in a reasonable time and manner.

**SEC. 4.**

The Legislature finds and declares that ensuring access to affordable housing is a matter of statewide concern and not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Sections 1 and 2 of this act adding Sections 65852.21 and 66411.7 to the Government Code and Section 3 of this act amending Section 66452.6 of the Government Code apply to all cities, including charter cities.

**SEC. 5.**

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.





Susan Wengraf  
Councilmember District 6

CONSENT CALENDAR  
May 11, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Wengraf (author) and Councilmember Kesarwani (co-sponsor)

Subject: Support for SB-15

RECOMMENDATION

Send a letter of support for SB 15 (Portantino) Housing development: incentives: rezoning of idle retail sites, to Senators Portantino and Skinner, Assemblymember Wicks and Governor Newsom. SB 15 would incentivize affordable housing creation by providing grants to local governments who rezone idle retail sites to allow for affordable housing development.

FINANCIAL IMPLICATIONS

None

BACKGROUND

SB 15 seeks to incentivize local governments to convert idle retail sites into affordable housing by requiring HCD to issue grants to cities that rezone commercial sites to make residential an allowable use. In order to receive a grant, a city must rezone the site as a use by right, approve a housing development project affordable to low- and moderate-income households, impose certain labor standards, and issue a certificate of occupancy. The grant will be proportionate to the amount of housing available for those households if the development also includes a commercial component. The grant is equal to seven times the average amount of annual sales and use tax revenue generated by each idle site identified in the local government's application over the seven years immediately preceding the date of the local government's application. The goal is to offset the lost sales tax revenue that would have been generated from a commercial property.

We should support the bill for the following reasons:

- SB 15 would establish a state-funded grant program for local governments administered via HCD. The grants would encourage cities to shift to housing on such sites by supplying funds to municipalities to replace lost sales taxes from the commercial use of SB 15 sites.
- Under SB 15, cities would agree to allow affordable housing "by right," while still overseeing design review.

ENVIRONMENTAL SUSTAINABILITY

Potential for reduced greenhouse gas emissions as affordable housing provides opportunities for Berkeley workers to live closer to work.

CONTACT PERSON

Councilmember Wengraf

Council District 6

510-981-7160

Attachments:

1: Letter of Support for SB 15

2: [SB 15](#)

May 11, 2021

The Honorable Senator Portantino  
State Capitol, Room 5050  
Sacramento, CA 95814

**RE: SB 15 (Portantino) Housing development: incentives: rezoning of idle retail sites. Support from the Berkeley City Council.**

Dear Senator Portantino:

The City Council of the City of Berkeley hereby registers its support of Senate Bill 15, to incentivize local governments to convert idle retail sites into affordable housing by issuing State grants to cities that rezone commercial sites to make residential an allowable use.

This legislation supports state-wide efforts to meet Regional Housing Needs Assessment (RHNA) mandates with the tools of rezoning and state funding. Incentivizing the rezoning of idle shopping centers and big-box retail buildings allows cities to repurpose land and buildings to create affordable housing.

The City of Berkeley thanks you for your leadership on this important issue and urges your colleagues and the Governor to strongly support SB 15.

Respectfully,

Berkeley City Council

CC: Senator Nancy Skinner  
Assembly Member Buffy Wicks  
Governor Gavin Newsom

**SENATE BILL**

**NO. 15**

**Introduced by Senator Portantino**

**December 07, 2020**

An act to add Chapter 2.9 (commencing with Section 50495) to Part 2 of Division 31 of the Health and Safety Code, relating to housing.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 15, as amended, Portantino. Housing development: incentives: rezoning of idle retail sites.

Existing law establishes, among other housing programs, the Workforce Housing Reward Program, which requires the Department of Housing and Community Development to make local assistance grants to cities, counties, and cities and counties that provide land use approval to housing developments that are affordable to very low and low-income households.

This bill, upon appropriation by the Legislature in the annual Budget Act or other statute, would require the department to administer a program to provide incentives in the form of grants allocated as provided to local governments that rezone idle sites used for a big box retailer or a commercial shopping center to instead allow the development of ~~workforce housing~~. *housing, as defined*. The bill would define various terms for these purposes. In order to be eligible for a grant, the bill would require a local government, among other things, to apply to the department for an allocation of grant funds and provide documentation that it has met specified requirements, including certain labor-related requirements. The bill would make the allocation of these grants subject to appropriation by the Legislature in the annual Budget Act or other statute.

The bill would require the department to issue a Notice of Funding Availability for each calendar year in which funds are made available for these purposes. The bill would require that the amount of grant awarded to each eligible local government be equal to 7 times the average amount of annual sales and use tax revenue generated by each idle site identified in the local government's application over the 7 years immediately preceding the date of the local government's application, subject to certain modifications, and that the local government receive this amount in one lump-sum following the date of the local

government's application. The bill, upon appropriation by the Legislature in the annual Budget Act or other statute, would authorize the department to review, adopt, amend, and repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, or standards for this program and exempt those guidelines from the rulemaking provisions of the Administrative Procedure Act. *The bill would make its provisions operative on and after January 1, 2023.*

## **DIGEST KEY**

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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## **BILL TEXT**

### **THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT**

### **AS FOLLOWS:**

#### **SECTION 1.**

Chapter 2.9 (commencing with Section 50495) is added to Part 2 of Division 31 of the Health and Safety Code, to read:

#### **CHAPTER 2.9. Retail Site Rezoning Incentives 50495.**

For purposes of this chapter:

- (a) "Applicant" means a public agency or private entity that submits an application to a local government to undertake a ~~workforce housing~~ *housing, as defined in subdivision (k)*, development project on sites rezoned pursuant to this chapter.
- (b) "Big box retailer" means a store of greater than 75,000 square feet of gross buildable area that generates or previously generated sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code).
- (c) "Commercial shopping center" means a group of two or more stores that maintain a common parking lot for patrons of those stores.
- (d) "Idle" means that at least 80 percent of the leased or rentable square footage of the big box retailer or commercial shopping center site is not occupied for at least a 12-month calendar period.
- (e) "Local government" means a city, county, or city and county.
- (f) "NOFA" means Notice of Funding Availability.
- (g) "Project labor agreement" has the same meaning as in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.
- (h) "Sales and use tax revenue" means the cumulative amount of revenue generated by taxes imposed by a local government in accordance with both of the following laws:
  - (1) The Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code).
  - (2) The Transactions and Use Tax Law (Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code).
- (i) "Skilled and trained workforce" has the same meaning as provided in Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.
- (j) (1) "Use by right" means that the local government's review of a ~~workforce housing~~ *housing, as defined in subdivision (k)*, *development* does not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a

“project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Any subdivision of the sites shall be subject to all laws, including, but not limited to, the local government ordinance implementing the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the Government Code).

(2) A local ordinance may provide that “use by right” does not exempt the use from design review. However, that design review shall not constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

(k) ~~“Workforce housing”~~ *“Housing”* means an owner-occupied or rental housing development in which 100 percent of the development project’s total units, exclusive of a manager’s unit or units, are for lower income households, as defined in Section 50079.5, or for moderate-income households, as defined in Section 50053. Units in the development shall be offered at an affordable housing cost, as defined in Section 50052.5, or at affordable rent, as defined in Section 50053, except that the rent or sales price for a moderate-income unit shall be at least 20 percent below the market rate for a unit of similar size and bedroom count in the same neighborhood in the city, county, or city and county in which the housing development is located. The developer of the ~~workforce~~ housing shall provide the local government with evidence to establish that the units meet the requirements of this subdivision. All units, exclusive of any manager’s unit or units, shall be restricted as provided in this subdivision for at least the following periods of time:

(A) Fifty-five years for units that are rented. However, the local government may require that the rental units in the housing development project be restricted to lower income households for a longer period of time if that restriction is consistent with all applicable regulatory requirements for state assistance.

(B) Forty-five years for units that are owner occupied. However, the local government may require that owner-occupied units in the housing development project be restricted to lower income households for a longer period of time if that restriction is consistent with all applicable regulatory requirements for state assistance.

#### 50495.2.

Upon appropriation by the Legislature in the annual Budget Act or other statute, the department shall administer a program to provide incentives in the form of grants allocated in accordance with this chapter to local governments that rezone idle sites used for a big box retailer or a commercial shopping center to instead allow the development of ~~workforce housing~~ *housing, as defined in subdivision (k) of Section 50495*.

#### 50495.4.

In order to be eligible for a grant under this chapter, a local government shall do all of the following:

(a) Rezone one or more idle sites used for a big box retailer or commercial shopping center to allow ~~workforce housing~~ *housing, as defined in subdivision (k) of Section 50495*, as a use by right.

(b) Approve and issue a certificate of occupancy for a ~~workforce housing~~ *housing, as defined in subdivision (k) of Section 50495*, development on each site rezoned pursuant to subdivision (a) for which the local government seeks an incentive pursuant to this chapter.

(c) Impose the requirements described in Sections 50495.5 and 50495.5.1 on all applicants.

(d) Apply to the department for an allocation of grant funds and provide documentation that it has complied with the requirements of this section.

#### 50495.5.

For purposes of subdivision (c) of Section 50495.4, a local government shall impose all of the following requirements on all applicants:

(a) (1) For an applicant that is a public agency, the applicant shall not prequalify or shortlist, or award a contract to, an entity for the performance of any portion of the ~~workforce housing~~ *housing, as defined in subdivision (k) of Section 50495*, development project unless the entity provides an enforceable commitment to the applicant that the entity and its subcontractors at every tier will use a skilled and



trained workforce to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades.

(2) Paragraph (1) does not apply if any of the following requirements are met:

(A) The public agency applicant has entered into a project labor agreement that will bind all contractors and subcontractors performing work on the project or contract to use a skilled and trained workforce, and the entity agrees to be bound by that project labor agreement.

(B) The project or contract is being performed under the extension or renewal of a project labor agreement that was entered into by the public agency applicant before January 1, ~~2021~~ 2023.

(C) The entity has entered into a project labor agreement that will bind the entity and all of its subcontractors at every tier performing the project or contract to use a skilled and trained workforce.

(b) For an applicant that is a private entity, the applicant shall do both of the following:

(1) Demonstrate to the local government that either of the following is true:

(A) The entirety of the ~~workforce~~ *housing housing, as defined in subdivision (k) of Section 50495*, development project is a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

(B) If the project is not in its entirety a public work, all construction workers employed in the execution of the project will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.

(2) Demonstrate to the local government that a skilled and trained workforce will be used to perform all construction work on the project.

#### 50495.5.1.

(a) If a ~~workforce~~ *housing housing, as defined in subdivision (k) of Section 50495*, development project is subject to subparagraph (B) of paragraph (1) of subdivision (b) of Section 50495.5, then, for those portions of the project that are not a public work, all of the following shall apply:

(1) The private entity applicant shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work on the project.

(2) All contractors and subcontractors shall pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.

(3) (A) Except as provided in subparagraph (C), all contractors and subcontractors shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided by that section.

(B) Except as provided in subparagraph (C), the obligation of the contractors and subcontractors to pay prevailing wages may be enforced by the Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Section 1741 of the Labor Code, which may be reviewed pursuant to Section 1742 of the Labor Code, within 18 months after the completion of the project, by an underpaid worker through an administrative complaint or civil action, or by a joint labor-management committee through a civil action under Section 1771.2 of the Labor Code. If a civil wage and penalty assessment is issued, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to Section 1742.1 of the Labor Code.

(C) Subparagraphs (A) and (B) do not apply if all contractors and subcontractors performing work on the project are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the project and provides for enforcement of that obligation through an arbitration procedure.

(4) Notwithstanding subdivision (c) of Section 1773.1 of the Labor Code, the requirement that employer payments not reduce the obligation to pay the hourly straight time or overtime wages found to be prevailing shall not apply if otherwise provided in a bona fide collective bargaining agreement covering the worker. The requirement to pay at least the general prevailing rate of per diem wages does not preclude use of an alternative workweek schedule adopted pursuant to Section 511 or 514 of the Labor Code.

(b) An applicant that is a private entity subject to paragraph (2) of subdivision (b) of Section 50495.5 shall comply with all of the following requirements for the ~~workforce housing~~ *housing, as defined in subdivision (k) of Section 50495*, development project:

(1) The private entity applicant shall require in all contracts for the performance of work that every contractor and subcontractor at every tier will individually use a skilled and trained workforce to complete the project.

(2) Every contractor and subcontractor shall use a skilled and trained workforce to complete the project.

(3) (A) Except as provided in subparagraph (B), the private entity applicant shall provide to the local government, on a monthly basis while the project or contract is being performed, a report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code. A monthly report provided to the local government pursuant to this clause shall be a public record under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and shall be open to public inspection. A private entity applicant that fails to provide a monthly report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code shall be subject to a civil penalty of ten thousand dollars (\$10,000) per month for each month for which the report has not been provided. Any contractor or subcontractor that fails to use a skilled and trained workforce shall be subject to a civil penalty of two hundred dollars (\$200) per day for each worker employed in contravention of the skilled and trained workforce requirement. Penalties may be assessed by the Labor Commissioner within 18 months of completion of the project using the same procedures for issuance of civil wage and penalty assessments pursuant to Section 1741 of the Labor Code, and may be reviewed pursuant to the same procedures in Section 1742 of the Labor Code. Penalties shall be paid to the State Public Works Enforcement Fund.

(B) Subparagraph (A) does not apply if all contractors and subcontractors performing work on the project are subject to a project labor agreement that requires compliance with the skilled and trained workforce requirement and provides for enforcement of that obligation through an arbitration procedure.

#### **50495.6.**

(a) Upon appropriation by the Legislature in the annual Budget Act or other statute for purposes of this chapter, the department shall allocate a grant to each local government that meets the criteria specified in Section 50495.4 in an amount determined pursuant to subdivision (b). For each calendar year in which funds are made available for purposes of this chapter, the department shall issue a NOFA for the distribution of funds to a local government during the 12-month period subsequent to the NOFA. The department shall accept applications from applicants at the end of the 12-month period.

(b) The amount of grant provided to each eligible local government shall be as follows:

(1) Subject to paragraphs (2) and (3), the amount of the grant shall be equal to seven times the average amount of annual sales and use tax revenue generated by each idle site identified in the local government's application that meets the criteria specified in subdivisions (a) and (b) of Section 50495.4 over the seven years immediately preceding the date of the local government's application.

(2) For any idle big box retailer or commercial shopping center site rezoned by a local government in accordance with subdivision (a) of Section 50495.4 to allow mixed uses, the amount of grant pursuant to paragraph (1) shall be reduced in proportion to the percentage of the square footage of the development

that is used for a use other than ~~workforce housing~~; *housing, as defined in subdivision (k) of Section 50495.*

(3) If for any NOFA the amount of funds made available for purposes of this chapter is insufficient to provide each eligible local government with the full amount specified in paragraphs (1) and (2), based on the number of applications received, the department shall reduce the amount of grant funds awarded to each eligible local government proportionally.

(c) The department shall allocate the amount determined pursuant to subdivision (b) to each eligible local government in one lump-sum following the date of the local government's application.

**50495.8.**

Upon appropriation by the Legislature in the annual Budget Act or other statute, the department may review, adopt, amend, and repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, or standards set forth in this chapter. Any guidelines or terms adopted pursuant to this chapter shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

**50495.9.**

*This chapter shall be operative on and after January 1, 2023.*





CONSENT CALENDAR  
May 11, 2021

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Rigel Robinson  
 Subject: Support for Senator Warren's Student Loan Debt Relief Act (S.2235)

### RECOMMENDATION

Refer to the Council to adopt a resolution in support of Senator Elizabeth Warren's Student Loan Debt Relief Act, which would cancel student loan debt to promote economic growth and reduce wealth gaps.

### BACKGROUND

Initially proposed July 23, 2019 and reintroduced mid-February of this year, Senator Warren's Student Loan Debt Relief Act would require the Department of Education to cancel up to \$50,000 worth of outstanding student loan debt per recipient. Those with an adjusted gross income below \$100,000 would see maximum loan cancellation while those with a greater income would see partial loan cancellation.<sup>1</sup> The resolution could be accomplished by the President using executive authority outlined in the Higher Education Act.<sup>2</sup> Likewise, the Secretary of Education holds debt cancellation power through the same act. Such actions are not uncommon, as they have already been taken on a smaller scale for federal student loan relief as a result of the COVID-19 pandemic.<sup>3</sup>

The resolution also encourages the President to ensure no tax liability because of administrative debt cancellation for federal student loan borrowers and to continue to pause student loan payments and interest accumulation for federal student loan borrowers for the duration of the COVID-19 pandemic.

Further components of the legislation include:

- Automatic cancellation through readily available income data

<sup>1</sup> <https://www.congress.gov/bill/116th-congress/senate-bill/2235?q=%7B%22search%22%3A%5B%22higher+education+act%22%2C%22student+loan+debt+relief%22%2C%22higher+education+act%22%2C%22student+loan+debt+relief%22%5D%7D&s=2&r=2>

<sup>2</sup> <https://www.warren.senate.gov/newsroom/press-releases/schumer-warren-the-next-president-can-and-should-cancel-up-to-50000-in-student-loan-debt-immediately-democrats-outline-plan-for-immediate-action-in-2021>

<sup>3</sup> <https://www.warren.senate.gov/newsroom/press-releases/schumer-warren-the-next-president-can-and-should-cancel-up-to-50000-in-student-loan-debt-immediately-democrats-outline-plan-for-immediate-action-in-2021>

- Allowing borrowers of private student loans to refinance their loans as federal student loans so they can qualify for loan cancellation
- Make cancelled debt non-taxable income,
- Provide one-year freeze on loan payments made by borrowers, wage garnishment by the Department of Education on troubled loans, and interest accrual on student loans while the debt cancellation is being implemented
- Automatically refinance remaining federal student loans to interest rates specified in the Bank on Student Emergency Loan Refinancing Act
- Allow borrowers to discharge their loans in bankruptcy, as specified in the Student Borrower Bankruptcy Relief Act of 2019.<sup>4</sup>

The problem of student loan debt is pervasive and long-lasting, and negatively impacts individual lives as well as the national, state, and local economies. 45 million Americans are in debt from student loans that totals \$1.71 trillion.<sup>5</sup> What salaries graduates earn after college are frequently insufficient, as student loan debt often follows loan recipients throughout their lives -- 3 million senior citizens are still paying off their student loans.<sup>6</sup> Left untreated, this problem threatens to exponentially worsen given the rising cost of tuition and cost of living coupled with decades of stagnant wages. Due to the significant financial burden posed by these loans, many find it difficult to buy cars and homes, start and invest in businesses, and even retire -- all of which negatively impacts the broader economy. Experts have predicted that student loan debt cancellation would “provide immediate relief to millions who are struggling during this pandemic and recession, and give a boost to our struggling economy through a consumer-driven economic stimulus that can result in greater home-buying rates and housing stability, higher college completion rates, and greater small business formation.”<sup>7</sup>

While 1 in 5 Americans are affected by the student loan crisis<sup>8</sup>, those undoubtedly most heavily impacted are Black communities and communities of color, resulting in an insidious racial wealth gap. Families of color are more likely to borrow for higher education, and statistically have less income to pay back these loans; in case of financial shock, families of color have less of a safety net resulting in higher likelihood of default on student loan debt.<sup>9</sup> Experts have further predicted that student loan debt

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<sup>4</sup> <https://www.warren.senate.gov/newsroom/press-releases/senator-warren-house-majority-whip-clyburn-introduce-legislation-to-cancel-student-loan-debt-for-millions-of-americans>

<sup>5</sup> <https://studentloanhero.com/student-loan-debt-statistics/>

<sup>6</sup> <https://www.thecut.com/2021/02/joe-biden-can-cancel-all-student-debt-he-just-wont.html>

<sup>7</sup> <https://www.warren.senate.gov/newsroom/press-releases/schumer-warren-the-next-president-can-and-should-cancel-up-to-50000-in-student-loan-debt-immediately-democrats-outline-plan-for-immediate-action-in-2021>

<sup>8</sup> <https://studentloanhero.com/student-loan-debt-statistics/>

<sup>9</sup> <https://www.warren.senate.gov/imo/media/doc/NAACPStudent%20Debt%20Relief.WARREN.pdf>

cancellation will particularly benefit Black and Latinx household wealth, which will help to close the racial wealth gap.<sup>10</sup>

Supporting the Student Loan Debt Relief Act would align with the City of Berkeley's past stances on related issues. For example, in 2017, the Council passed a resolution in support of AB 1038 - Tuition Free College By 2030, which created a roadmap that would make all public California colleges free.<sup>11</sup> This resolution also cited the disadvantages that minority communities face when paying for higher education. Prior to that, in 2013, the Council took a stance in support of HR 532 - Private Student Loan Bankruptcy Fairness Act and End Predatory Spending Practices, which would amend the bankruptcy code so that private student loan debt could be dischargeable and treated the same as other bankrupt private consumer debt by removing a special-interest provision.<sup>12</sup> In the same year, the Council supported the Bank on Student Loan Fairness Act, which would allow students the same low interest rates that national banks are afforded and assist the Department of Education in subsidizing student loans.<sup>13</sup> All these stances reflect the need to alleviate the increasing financial burden of student loans.

The City of Berkeley would be joining a coalition of cities, representatives, and organizations calling on the President to cancel student loan debt. The city of Cambridge recently adopted a resolution earlier this year in support of Senator Warren's bill.<sup>14</sup> The city of Philadelphia went a step further, calling on the President to cancel all student loan debt within his first 100 days of office, citing an enormous opportunity for economic growth that could lead to huge amounts of local spending.<sup>15</sup> Senator Warren's bill is sponsored by over 60 lawmakers in Congress, as well as 17 state attorneys, and over 325 organizations ranging from labor unions to civil rights groups.<sup>16</sup> These numbers are representative of the 67% percent of Americans who believe there should be some form of student loan forgiveness.<sup>17</sup> The City of Berkeley should move to support the Student Loan Debt Relief Act's goal of economic growth and closing racial wealth gaps.

<sup>10</sup> [https://rooseveltinstitute.org/wp-content/uploads/2020/08/RI\\_StudentDebtForgiveness\\_WorkingPaper\\_202008.pdf](https://rooseveltinstitute.org/wp-content/uploads/2020/08/RI_StudentDebtForgiveness_WorkingPaper_202008.pdf)

<sup>11</sup> <https://www.cityofberkeley.info/recordsonline/api/Document/AZngCuAOefPPTpF%C3%89JYugM13aaebX7BY9DWI5W1vSF8%C3%818Sppgx%C3%89EXLcQCntx8AzRzpRNuFKnOBXLNuF5I2MHWvEs%3D/>

<sup>12</sup> <https://www.cityofberkeley.info/recordsonline/api/Document/AU46oG1ONI54ftl1NYebz%C3%81VaSagFBqUcuSghX45g15F0vKiwXnWdU0YeAZmXPWgxuq8S6o2bOX%C3%81qxU3UNmlfcSQ%3D/>

<sup>13</sup> <https://www.cityofberkeley.info/recordsonline/api/Document/AdyGTcGw68c1Ud0vvnQ3Rc3X50I6J2CB EVCxZ0ITLaT57HbsthtL526fgtzAYleif0miW34P3tMYvNiKh%C3%816uNFU%3D/>

<sup>14</sup> [http://cambridgema.iqm2.com/Citizens/Detail\\_LegiFile.aspx?Frame=&MeetingID=2797&MediaPosition=&ID=13646&CssClass=](http://cambridgema.iqm2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=2797&MediaPosition=&ID=13646&CssClass=)

<sup>15</sup> <https://thehill.com/homenews/state-watch/541725-philly-city-council-calls-on-biden-to-cancel-all-student-loan-debt-in?rl=1>

<sup>16</sup> <https://www.forbes.com/sites/adamminsky/2021/02/23/heres-everyone-who-wants-biden-to-cancel-student-loan-debt-its-popular/?sh=6324f99c41c0>

<sup>17</sup> <https://www.forbes.com/sites/adamminsky/2021/02/23/heres-everyone-who-wants-biden-to-cancel-student-loan-debt-its-popular/?sh=6324f99c41c0>

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

None.

CONTACT PERSON

Councilmember Rigel Robinson, Council District 7, (510) 981-7170  
Elly Hudson, Intern

Attachment:  
1: Resolution



RESOLUTION NO. ##,###-N.S.

SUPPORT FOR STUDENT LOAN DEBT RELIEF ACT

WHEREAS, student loan debt impacts 45 million Americans, and impedes them from fully contributing to the economy throughout their lives; and

WHEREAS, Black, Latinx, Indigenous, Asian and Pacific Islander, and other communities of color; economically disadvantaged residents; older people and young adults most acutely experience the impacts of student debt; and

WHEREAS, cancelling student loan debt presents a formidable opportunity to substantially promote upward mobility for those most vulnerable in our society, and simultaneously increase local spending; and

WHEREAS, past Berkeley City Council stances regarding student loan debt have been aligned with the goal of alleviating financial burden from those most greatly affected; and

WHEREAS, Americans across all political parties widely hold that there should be student loan debt cancellation in some form; and

WHEREAS, cancelling student loan debt would put the country on track to make higher education more accessible, creating a more educated populace.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley officially supports the Student Loan Debt Relief Act, which would allow the authority of the President under the Higher Education Act to cancel student loan debt up to \$50,000, for the purpose of strengthening the economy and working to close the racial wealth gap.

BE IT FURTHER RESOLVED that copies of this resolution be sent to Congresswoman Barbara Lee, and Senators Dianne Feinstein, Alex Padilla, and Elizabeth Warren.





CONSENT CALENDAR  
May 11, 2021

To: Honorable Mayor and Members of the City Council  
From: Councilmember Rigel Robinson  
Subject: Support for AB 1238, AB 122, and AB 550

### RECOMMENDATION

Send letters to Senator Nancy Skinner, Assemblymember Buffy Wicks, and the various bills' authors in support of AB 1238, AB 122, and AB 550, related to traffic enforcement.

### BACKGROUND

#### **AB 1238**

Assembly Bill 1238, the Freedom to Walk Act, would repeal jaywalking laws that penalize pedestrians for crossing streets even when no immediate hazard is present. Specifically, this bill would:

- Prohibit fines for crossing the street outside of an intersection when no cars are present
- Allow pedestrians to use a crosswalk on a yellow light
- Repeal existing law specifying what side of the street pedestrians must walk on
- Prohibit local authorities from passing stricter jaywalking ordinances

Jaywalking laws were originally created by auto industry-aligned special interest groups during the rise of mass automobile ownership. In response to an increasing number of pedestrian fatalities, many cities tried to impose built-in speed limits on automakers. Automakers fought back, lobbying for jaywalking regulations that would shift responsibility away from drivers and onto pedestrians, thus allowing cars to continue traveling at unsafe speeds.<sup>1</sup>

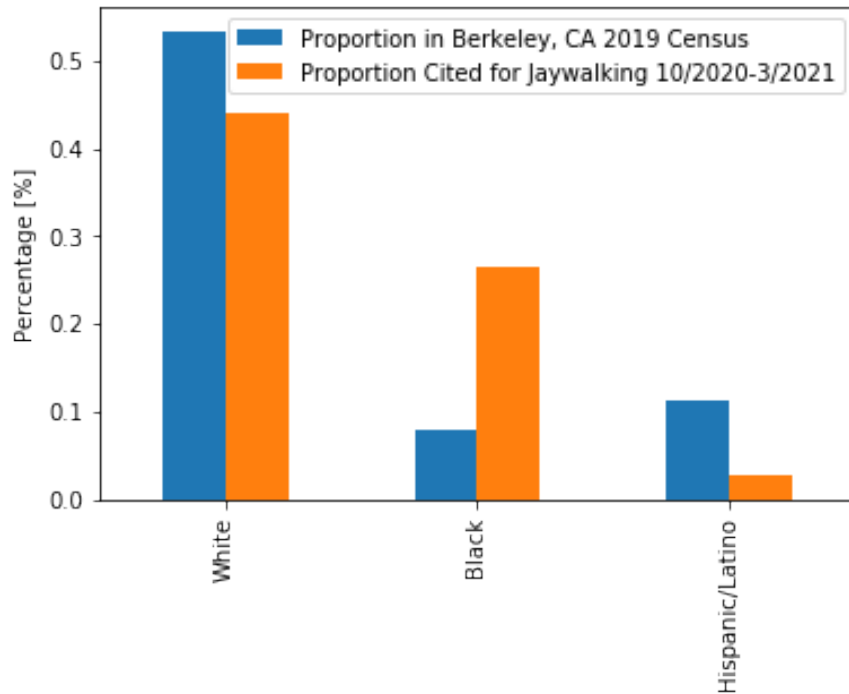
Today, pedestrians in California can face fines up to \$250 for crossing the street outside of a crosswalk — a higher fine than most parking and traffic citations. Existing law operates under the false assumption that jaywalking is inherently dangerous, even when no vehicles are present, and unfairly and severely penalizes pedestrians.

The prevalence of jaywalking is a reflection of the car-centric way in which we design our streets. Automobile traffic is consistently prioritized over bicyclist and pedestrian safety, resulting in a hostile walking environment with wide multi-lane streets, large distances between crosswalks, pedestrian beg buttons, and inadequate sidewalks. The lack of pedestrian-friendly infrastructure is even more apparent in low-income

<sup>1</sup> <https://www.vox.com/2015/1/15/7551873/jaywalking-history>

neighborhoods of color, which have suffered decades of neglect. Pedestrians should not be penalized for common behavior that is a direct result of cities' failure to consider the needs of non-drivers.

Furthermore, the enforcement of jaywalking laws is inequitable. Across California, police departments stop Black pedestrians at a significantly higher rate than white pedestrians. Black pedestrians are 4.3 times more likely to be cited for jaywalking in San Diego, 3.7 times more likely in Los Angeles, and 5 times more likely in Sacramento. This pattern holds true in the City of Berkeley with the limited data available through RIPA, with Black residents being about 4.5 times more likely than white residents to be stopped (white residents: 15 stops, 71.3k residents; Black residents: 9 stops, 9.3k residents).



Source: RIPA data, using codes ['VC 21453(D) PED AGAINST RED LIGHT/ETC (I)', 'VC 21955 JAYWALKING (I)', 'VC 21456(B) PED AGAINST NO WALK SIGN (I)', 'VC 21461.5 PED FAIL OBEY TRAFFIC SIGN (I)', 'VC 21950(B) PED IN XWALK STOP/ETC VEH (I)', 'VC 21452(B) PED FAIL RESPOND SIGNAL (I)']. Compiled by Amy Guo, Intern.

**AB 122**

Assembly Bill 122 would permit bicyclists to treat stop signs as yield signs, also known as an “Idaho Stop.” Currently, California Vehicle Code requires bicyclists to abide by the same laws as motorists — that is, to come to a full stop at a stop sign, even if the street is completely empty or no vehicles are close enough to constitute an immediate hazard.

However, it is much more difficult to stop and restart repeatedly on a human-powered vehicle than it is in a car. For bicyclists who may not be as athletic, or who ride older and more inefficient bikes, this requires a significant exertion of energy and may deter them from biking longer distances. Highlighting the disparate impact of mandatory stop signs on bicyclists, a 2001 UC Berkeley Physics Department study determined that on routes with frequent stops, a person operating a bike must exert five times the energy in order to maintain speed.<sup>2</sup>

The Idaho Stop law, allowing bicyclists to treat stop signs as yield signs, has been in effect in the State of Idaho since 1982. A 2010 UC Berkeley School of Public Health Environmental Science Division study, which compared injury and fatality rates in Idaho with data from structurally similar cities in states still lacking a traffic stop exemption, found that these conventions make our streets safer.<sup>3</sup> Quantitative results demonstrated Idaho conditions to be 30.4 percent safer for bicyclists overall, with an immediate 14.5 percent decrease in injuries in the year following the law's implementation. In researcher interviews with police officers, public officials, bicycle advocacy groups, and the general public, "these inquiries strongly supported adoption of the Idaho Law, and no entity whatsoever identified any negative safety result associated with passage of the law."

Recognizing the safety benefits of such a law and the climate imperative to improve the convenience of bicycling in Berkeley, Council referred to the Transportation Commission in 2019 to consider deprioritizing enforcement of the Idaho Stop convention. Because the City does not have jurisdiction over state vehicle code, AB 122 is needed to codify the traffic law exemption rather than just deprioritizing enforcement of it.

### **AB 550**

Assembly Bill 550 would authorize the Cities of Los Angeles, Oakland, San Jose, two other cities in southern California, and the City and County of San Francisco to establish the Speed Safety System Pilot Program for automated speed limit enforcement. It would also require the pilot cities to offer a diversion program for automated speed system violations, including a monthly payment plan and a reduction in penalties for low-income people.

Traffic speed enforcement is an important component of efforts to reduce speeding traffic collisions, alongside system design and education. However, it is well-documented that traditional enforcement conducted by police officers results in disproportionate enforcement actions against people of color, particularly Black people. According to the Stanford Policing Project, police pull over more than 20 million

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<sup>2</sup> <https://nacto.org/wp-content/uploads/2012/06/Fajans-J.-and-M.-Curry.-2001..pdf>

<sup>3</sup> <http://denver.streetsblog.org/wp-content/uploads/sites/14/2018/02/idaho-law-jasonmeggs-2010version-2.pdf>

motorists per year, making traffic stops the most common interaction Americans have with police.<sup>4</sup> As we have seen too many times, these racially-biased traffic stops can turn deadly.

In 2020, Council passed an omnibus package including a referral to pursue the creation of a Berkeley Department of Transportation, with the end goal of moving traffic enforcement responsibilities out of the police department. This can be accomplished with a combination of unarmed civilian enforcement, as discussed in the referral, and automated enforcement. Automated speed enforcement takes away the discretion that leads to racial profiling, and can improve reliability and equity in traffic enforcement while making enforcement more predictable, effective, and broadly implemented. However, this tool is not currently legal in the state of California.

The pilot programs authorized by AB 550 would pave the way for broader speed safety system implementation and the de-policing of traffic enforcement across the state, provided that the pilots are shown to be effective in reducing racial bias and speeding. AB 1238 and AB 122 would repeal punitive laws that have not had any proven positive effect on safety, and in the case of Black people and other people of color, have resulted in unnecessary police interactions that actually threaten their safety.

Given Council's stated commitment to reimagine public safety and reduce traffic-related interactions between police and civilians, the City of Berkeley should support AB 1238, AB 122, and AB 550 and send the attached letters of support to Senator Nancy Skinner, Assemblymember Buffy Wicks, and the various bills' authors.

#### FINANCIAL IMPLICATIONS

None.

#### ENVIRONMENTAL SUSTAINABILITY

No impact.

#### CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170

#### Attachments:

- 1: AB 1238 letter of support
- 2: AB 122 letter of support
- 3: AB 550 letter of support
- 4: AB 1238 bill text

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB1238](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB1238)

- 5: AB 122 bill text

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB122](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB122)

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<sup>4</sup> <https://openpolicing.stanford.edu/findings/>

6: AB 550 bill text

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB550](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB550)

May 11, 2021

The Honorable Phil Ting  
Assemblymember, 19th District  
State Capitol, Room 6026  
Sacramento, CA 95814

**RE: City of Berkeley's Support for Assembly Bill 1238**

Dear Assemblymember Phil Ting,

The Berkeley City Council would like to convey our full support for Assembly Bill 1238, which is a much-needed reform that would protect pedestrians against racially-biased and pretextual policing; inequitable and excessive fines; and unnecessary, potentially lethal interactions with law enforcement.

Crossing a street is not inherently dangerous if there is no immediate hazard present — rather, it is a crime that was invented by automakers to place the blame for collisions on pedestrians and avoid building in speed limits in their vehicles. Walking is a key component of a sustainable transportation system. Jaywalking laws criminalize transportation and heavily penalize pedestrians for common behavior that is a direct result of cities' failure to consider the needs of non-drivers.

Furthermore, the enforcement of these unnecessary jaywalking laws disproportionately impact Black people in cities and counties across California, including the City of Berkeley, and can lead to dangerous and deadly police encounters.

By repealing jaywalking laws, AB 1238 would encourage sustainable modes of transportation and reduce opportunities for racial profiling and inequitable policing. The Berkeley City Council supports AB 1238 and thanks you for taking the lead on this important issue.

Sincerely,

The Berkeley City Council

CC: Senator Nancy Skinner  
Assemblymember Buffy Wicks



May 11, 2021

The Honorable Tasha Boerner Horvath  
Assemblymember, 76th District  
State Capitol, Room 4130  
Sacramento, CA 95814

**RE: City of Berkeley's Support for Assembly Bill 122**

Dear Assemblymember Tasha Boerner Horvath,

The Berkeley City Council would like to convey our full support for Assembly Bill 122 to permit bicyclists to treat stop signs as yield signs, legalizing a common, safe, and energy-conserving maneuver.

The law currently treats bicyclists and motorists the same in this regard, despite it being much more difficult to stop and restart repeatedly on a bicycle. The additional exertion of energy required to come to frequent full stops acts as a deterrent to bicycling, in direct opposition to our climate imperative to encourage more people to bike instead of drive.

In addition, Black people and people of color are disproportionately stopped and cited by law enforcement for vehicle code infractions, including when riding a bike. AB 122 will provide clarity to the law and prohibit law enforcement from using harmless infractions as pretext to detain and cite, while also decreasing potentially lethal interactions with law enforcement.

In 2019, the City of Berkeley started the process of deprioritizing enforcement of the Idaho Stop convention. Codifying the exemption for bicyclists in state law is critical for achieving our sustainability and racial equity goals across California. The Berkeley City Council supports AB 122 and thanks you for taking the lead on this important issue.

Sincerely,

The Berkeley City Council

CC: Senator Nancy Skinner  
Assemblymember Buffy Wicks

May 11, 2021

The Honorable David Chiu  
Assemblymember, 17th District  
State Capitol, Room 4112  
Sacramento, CA 95814

**RE: City of Berkeley's Support for Assembly Bill 550**

Dear Assemblymember David Chiu,

The Berkeley City Council would like to convey our full support for Assembly Bill 550, which represents a critical first step towards de-policing traffic enforcement and reducing racial bias while simultaneously bringing us closer to our Vision Zero goals.

Police pull over more than 20 million motorists per year, making traffic stops the most common interaction Americans have with police. These traffic stops are often for minor infractions, but can be deadly for Black people and people of color — Maurice Gordon, a Black man, was initially pulled over for alleged speeding and murdered by police.

Automated speed enforcement is one of many tools that we have to reduce unnecessary police interactions and eliminate officer discretion that leads to racial profiling. Speed safety systems are accurate, reliable, effective, and equitable, and should be authorized for use in the state of California.

The pilot programs created by AB 550 would pave the way for implementing speed safety systems more broadly and reducing the role of police in speeding enforcement across the state. The Berkeley City Council supports AB 550 and thanks you for taking the lead on this important issue.

Sincerely,

The Berkeley City Council

CC: Senator Nancy Skinner  
Assemblymember Buffy Wicks



CONSENT CALENDAR

May 11, 2021

TO: Members of the City Council

FROM: Mayor Jesse Arreguín

SUBJECT: Amending COVID-19 Emergency Response Ordinance Relating to Commercial Leases

**RECOMMENDATION**

Adopt an urgency ordinance amending Berkeley Municipal Code Section 13.110.050 (COVID-19 Emergency Response Ordinance) to exempt from the provisions of the ordinance commercial leases where the lease term has expired and the City has issued a permit for the demolition or substantial alternation of the commercial unit. The proposed ordinance change reads as follows:

13.110.050 Application

A. This Chapter applies to eviction notices and unlawful detainer actions based on notices served or filed or which expire on or after the effective date of this Chapter through the end of the local State of Emergency. It does not apply to withdrawal of accommodations from the rental market pursuant to Government Code [7060](#) et seq. ("Ellis Act"), commercial leases where the term has expired and the City has issued a permit for the demolition or substantial alteration of the commercial unit, or to units ordered by the City to be vacated for the preservation of public health, including where the City deems necessary to control the spread of COVID-19.

**BACKGROUND**

The City of Berkeley declared a local State of Emergency on March 3, 2020 in response to the COVID-19 pandemic, first detected globally in late December 2019. Shortly thereafter, Council passed BMC 13.110 - the COVID-19 Emergency Response Ordinance - prohibiting most evictions in Berkeley, which has been subsequently updated over the past year. Despite recent data showing a decline in new cases in the Bay Area and progress in the distribution and administration of vaccines, the threat of another wave of infections remains, and cases in other regions continue to rise. There is currently no timeline as to when the local State of Emergency will end, and even when the health crisis is no longer a significant threat to the community, the economic ramifications of COVID-19 will be felt for some time in the future.

The current COVID-19 Emergency Response Ordinance provides a critical lifeline to residential and commercial tenants who have faced financial difficulties as a result of the pandemic. This item makes a very narrow amendment to the ordinance exempting from its provisions a lease termination for a commercial tenant whose lease term has expired and where the City has already approved a permit for demolition or substantial alteration of the unit.

While the City does not want to create an incentive to evict existing commercial tenants. However in limited cases where the lease has already expired and there has been an approved project, the City should enable those housing and mixed-use projects to proceed. Berkeley faces a critical shortage of housing, particularly for low, very-low and extremely-low income households. It was never the intent of the Council to prohibit already entitled projects, where the lease has expired to be stalled due to the commercial eviction moratorium.

This is necessary to move forward with existing approved developments that are needed to address the housing affordability crisis and meet the quota of new units as prescribed in the Regional Housing Needs Allocation (RHNA). Without an end date for when the local State of Emergency will be lifted, clarity in the ordinance language is needed to allow property owners who have already entitled projects to proceed with building needed housing.

## **CONTACT**

Mayor Jesse Arreguín  
mayor@cityofberkeley.info | 510-981-7100

### Attachments:

1. Urgency Ordinance

ORDINANCE NO. -N.S.

URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BERKELEY AMENDING THE COVID-19 EMERGENCY RESPONSE ORDINANCE; DECLARING THE URGENCY THEREOF; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

BE IT ORDAINED By the Council of the City of Berkeley as follows:

Section 1. That Chapter 13.110 of the Berkeley Municipal Code is hereby amended to read as follows:

Chapter 13.110

COVID-19 EMERGENCY RESPONSE ORDINANCE

Sections:

- 13.110.010 Findings and Purpose.
- 13.110.020 Prohibited Conduct.
- 13.110.030 Definitions.
- 13.110.040 Collection of Back Rent and Late Fees.
- 13.110.050 Application.
- 13.110.060 Implementing Regulations.
- 13.110.070 Waiver.
- 13.110.080 Remedies.
- 13.110.090 Severability.

13.110.010 Findings and Purpose.

International, national, state and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2." And the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19"). In response to this emergency, on March 3, 2020, the City Manager acting as the Director of Emergency Services declared a local State of Emergency based on COVID-19 (hereinafter referred to as "the State of Emergency"), which the City Council subsequently ratified on March 10, 2020. On April 21, 2020, the council ratified an extension of the local state of emergency through June 21, 2020. In addition, on March 4, 2020, the Governor declared a state of emergency in California and the President of the United States declared a national state of emergency on March 13, 2020 regarding the novel coronavirus and COVID-19.

On March 16, 2020, the City of Berkeley Public Health Officer, along with several other neighboring jurisdictions issued a Shelter in Place Order directing all individuals living in the City of Berkeley to shelter at their place of residence except that they may leave to provide or receive certain essential services or engage in certain essential activities, and prohibiting non-essential gatherings and ordering cessation of non-essential travel. On March 31, this Shelter in Place Order was extended to May 3, 2020, and restricted activities further.

Furthermore, on March 16, 2020, the Governor issued Executive Order N-28-20, specifically authorizing local governments to halt evictions for commercial tenants, residential tenants, and homeowners who have been affected by COVID-19, emphasizing that the economic impacts of COVID-19 have been significant and could threaten to undermine housing security as many people are experiencing material income loss as a result of business closures, the loss of hours or wages or layoffs related to COVID-19, hindering their ability to keep up with rents, mortgages and utility bills.

The Order also stated that because homelessness can exacerbate vulnerability to COVID-19, Californians must take measures to preserve and increase housing security for Californians to protect public health and specifically stated that local jurisdictions may take measures to promote housing security beyond what the state law would otherwise allow.

On April 6, 2020, the Judicial Council of California issued emergency rules suspending court proceedings for unlawful detainer and judicial foreclosures until 90 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted.

On April 21, 2020, Alameda County enacted an urgency ordinance prohibiting eviction for any reason other than withdrawal of rental property under the Ellis Act or court-ordered eviction for public safety. Although the Alameda County ordinance does not have effect within the incorporated area of Berkeley, it is desirable to ensure that Berkeley residents have the same level of protection as the residents of unincorporated Alameda County.

During this State of Emergency, and in the interests of protecting the public health and preventing transmission of the COVID-19, it is essential to avoid unnecessary displacement and homelessness. It is the intent of this Ordinance to fully implement the suspension of the statutory bases for eviction for nonpayment of rent and for default in the payment of a mortgage as authorized by Executive Order N-28-20.

At the same time, the Governor, as well as, the Berkeley Health Officer, and those of other jurisdictions ordered the closure of businesses, except those deemed essential. Many businesses, such as restaurants, are open only for take-out or pick up services and face a critical loss of business.

The City Council is aware that some landlords of commercial properties are seeking significant rent increases during the period when many commercial tenants are closed or are experiencing substantial and catastrophic reductions in their business and income. Such rent increases force tenants who are closed or have substantially reduced revenues face the choice of accepting a significant rent increase, moving at a time when it is virtually impossible, or closing altogether. Accepting a rent increase while closed or in a reduced state of operations means that the commercial tenants face even more debt to the landlord when the emergency is over, and may face a substantially increased rent when the tenant returns to normal operations, if ever.

Landlords of commercial property that unreasonably increases rents on tenants of commercial property during the COVID-19 emergency significantly impacts vulnerable small businesses, nonprofits, and artists who form a large part of the backbone of Berkeley's economy, revenue sources, and employment opportunities. These rent increases are coming at a time when the commercial rents are likely falling due to business closures and potential loss of businesses at the end of the emergency. Thus, these rent increases appear as a way of evading the Governor's and Berkeley's commercial tenant eviction moratorium by forcing tenants to agree to rent increases or leave. Such conduct constitutes constructive evictions in contravention of the eviction moratorium. Furthermore, such rent increases may affect businesses providing goods and essential services, resulting in increases in those costs of essential goods and services contravening the intent of anti-price gouging laws.

On expiration of leases when the emergency order is in place, unreasonable rent increases have already forced the closure of businesses and will result in closing of additional business causing loss of income for the business owners, loss of employment for the employees and of revenue to the city, and an increase in homelessness. To reduce the spread of COVID-19, it is essential to avoid unnecessary displacement and homelessness. Because of the emergency restrictions, businesses forced out due to increased rents will be unable to move to new locations and new businesses will be unable to open during this emergency period. During a state of emergency cities have extraordinary powers and jurisdiction to create legislation in order to counteract the effects of the emergency situation on its people and businesses. Protecting tenants from excessive rent increases will prevent additional loss of employment and essential services for Berkeley residents. In order to effectively implement an eviction moratorium, the City Council finds it imperative to prevent constructive eviction through unreasonable rent increases.

Accordingly, the City of Berkeley adopts the following amendments to Berkeley Municipal Code Chapter 13.110. (Ord. 7704-NS § 1 (part), 2020: Ord. 7698-NS § 1 (part), 2020: Ord. 7693-NS § 1 (part), 2020)

13.110.020 Prohibited Conduct.

A. During the local State of Emergency, no landlord or other entity shall evict or attempt to evict an occupant of real property unless necessary for the health and safety of residents. For purposes of this Ordinance, the basis for an exception to this Ordinance cannot be the Resident's COVID-19 illness or exposure to COVID-19, whether actual or suspected.

B. Residential Eviction Moratorium. It shall be a complete defense to any action for unlawful detainer that the notice upon which the action is based was served or expired, or that the complaint was filed or served during the local State of Emergency.

C. No landlord of an Impacted Business or Nonprofit may upon expiration of a lease increase rent for an Impacted Business or Nonprofit in an amount greater than ten (10) percent over the rent in effect at the commencement of the local state of emergency declared by the Director of Emergency Services. For purposes of this section, rent



means all consideration for the use and enjoyment of the rented premises, including base rent and any additional rent or other charges for costs such as utilities, maintenance, cleaning, trash removal, repairs and any other charges to the tenant required under the rental agreement. This section 13.110.020 C. shall expire on May 31, 2020, concurrent with Executive Order N-28-20; provided, however, that this section shall be automatically extended if Executive Order N-28-20 is extended or the tenant protections therein are extended pursuant to another Governor's Executive Order.

D. For the duration of the local State of Emergency, if a tenant has a Covered reason for delayed payment the tenant may terminate a lease or rental agreement with 30 days' notice without penalty. A tenant may also exercise rights under this subsection if the tenants or roommates of the tenants are or were registered at an educational institution that cancelled or limited in-person classes due to the COVID-19 pandemic. (Ord. 7720-NS § 1, 2020: Ord. 7704-NS § 1 (part), 2020: Ord. 7698-NS § 1 (part), 2020: Ord. 7693-NS § 1 (part), 2020)

#### 13.110.030 Definitions.

A. "Covered Reason for Delayed Payment" means:

(1) the basis for the eviction is nonpayment of rent, arising out of a material decrease in household, business, or other rental unit occupants' income (including, but not limited to, a material decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or to caregiving responsibilities, or a material decrease in business income caused by a reduction in opening hours or consumer demand), or material out-of-pocket medical expenses, or, in a group living arrangement wherein all tenants are collectively responsible for payment of the rent to the landlord, a reduction in the number of tenants living in the unit which reduces the ability of the remaining tenants to pay the rent, or a rent increase that exceeds the Annual General Adjustment for the current year; and

(2) the decrease in household, business, or other rental unit occupant's income or the expenses or reduction in number of tenants described in subparagraph (1) was caused by the impacts of COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.

B. "Delayed Rent Payment Agreement" means a mutual agreement between a landlord and tenant regarding the timing and amount of payments for rent that is delayed by a Covered Reason for Delayed Payment.

C. "Impacted Business or Nonprofit" means a business or nonprofit organization that had a business license in 2019 or 2020 in the City of Berkeley or is a registered nonprofit in either or both of those years and:

1. whose operation has been shut down due to the COVID-19 emergency, or
2. that is unable to accept customers at its location and is open for limited virtual, take-out or pickup services only, or
3. who suffered a material loss of income.

D. "Landlord" includes owners, lessors, or sublessors of either residential or commercial rental property, and the agent, representative, or successor of any of the foregoing.

E. "Tenant" includes a tenant, subtenant, lessee, sublessee, or any other person entitled by written or oral rental agreement to use or occupancy of either residential or commercial property. (Ord. 7704-NS § 1 (part), 2020; Ord. 7698-NS § 1 (part), 2020; Ord. 7693-NS § 1 (part), 2020)

#### 13.110.040 Collection of Back Rent and Late Fees.

A. Nothing in this Chapter shall relieve the tenant of liability for unpaid rent, which the landlord may seek after expiration of the local State of Emergency. The City will develop standards or guidelines for tenants to repay unpaid rent accrued during the course of the local State of Emergency. Landlords are encouraged to work with local agencies that will be making rental assistance available for qualifying tenants.

B. Tenants shall have up to twelve (12) months to pay rent that was delayed by a Covered Reason for Delayed Payment unless the landlord and tenant come to a mutual repayment agreement ("Delayed Rent Payment Agreement"). Notwithstanding any lease provision to the contrary, a landlord may not charge or collect a late fee, fine, or interest for rent that is delayed by a Covered Reason for Delayed Payment.

C. A Tenant is not required to provide documentation to the Landlord in advance to qualify for the repayment of rent over the 12 months. However, upon the request of a Landlord, a Tenant shall provide such documentation to the Landlord within forty-five (45) days after the request or within thirty (30) days after the local State of Emergency is ended, whichever is later. In the case of nonpayment of rent, the failure of a Tenant to notify the landlord in advance of being delinquent in the payment of rent prior to being served with a notice pursuant to Code of Civil Procedure section 1161(2) does not waive the Tenant's right to claim this Chapter as a complete defense to nonpayment of rent in an unlawful detainer action.

D. Any medical or financial information provided to the landlord shall be held in confidence, and shall not be disclosed to other entities unless such disclosure is permitted or required by the law, or unless the tenant authorizes the disclosure of the information in writing.

E. Any relief from the City of Berkeley either directly to a property owner on their own application or as a pass through for City relief payments to the tenant shall directly reduce the amount of any rent that was delayed by a Covered Reason for Delayed Payment. This requirement shall be applied into any Delayed Rent Payment Agreement, regardless of the terms of that agreement. (Ord. 7704-NS § 1 (part), 2020: Ord. 7698-NS § 1 (part), 2020: Ord. 7693-NS § 1 (part), 2020)

#### 13.110.050 Application.

A. This Chapter applies to eviction notices and unlawful detainer actions based on notices served or filed or which expire on or after the effective date of this Chapter through the end of the local State of Emergency. It does not apply to withdrawal of accommodations from the rental market pursuant to Government Code 7060 et seq. ("Ellis Act"), commercial leases where the term has expired and the City has issued a permit for the demolition or substantial alteration of the commercial unit, or to units ordered by the City to be vacated for the preservation of public health, including where the City deems necessary to control the spread of COVID-19.

B. With respect to delayed payment covered by this Ordinance, a landlord may seek such rent after the expiration of the local State of Emergency, pursuant to Section

13.110.040, but may not file an action pursuant to Code of Civil Procedure sections 1161(2) et seq. or otherwise seek to recover possession of a rental unit based on the failure to pay rent that accrued due to a Covered Reason for Delayed Payment during the term of the local State of Emergency. In any action to evict based on alleged non-payment of rent, it shall be a complete defense to such action if any part of the rent in dispute accrued at any time from the effective date of this Chapter to the expiration of the local State of Emergency and there exists a Covered Reason for Delayed Payment.

C. A Landlord shall not retaliate against a Tenant for exercising their rights under this Ordinance, including but not limited to shutting off any utilities or reducing services or amenities to which the Tenant would otherwise be entitled.

D In addition to the affirmative defenses set forth above, in any action to recover possession of a rental unit filed under Berkeley Municipal Code section 13.76.130(A)(1), it shall be a complete defense that the landlord impeded the tenant's effort to pay rent by refusing to accept rent paid on behalf of the tenant from a third party, or refusing to provide a W-9 form or other necessary documentation for the tenant to receive rental assistance from a government agency, non-profit organization, or other third party. Acceptance of rental payments made on behalf of the tenant by a third party shall not create a tenancy between the landlord and the third party. (Ord. 7704-NS § 1 (part), 2020: Ord. 7698-NS § 1 (part), 2020: Ord. 7693-NS § 1 (part), 2020)

#### 13.110.060 Implementing Regulations.

The City Manager may promulgate implementing regulations and develop forms to effectuate this Ordinance. This includes the option of requiring landlords to give a notice to Tenants informing them of this Chapter and the right to seek the benefits of this Chapter. (Ord. 7704-NS § 1 (part), 2020: Ord. 7698-NS § 1 (part), 2020: Ord. 7693-NS § 1 (part), 2020)

#### 13.110.070 Waiver.

A. By entering into a Delayed Rent Payment Agreement, Tenants do not waive any rights under this Chapter.

B. Any agreement by a Tenant to waive any rights under this ordinance shall be void and contrary to public policy. (Ord. 7704-NS § 1 (part), 2020: Ord. 7698-NS § 1 (part), 2020: Ord. 7693-NS § 1 (part), 2020)

#### 13.110.080 Remedies.

In the event of a violation of this Ordinance, an aggrieved tenant may institute a civil proceeding for injunctive relief, and money actual damages as specified below, and whatever other relief the court deems appropriate. Money damages shall only be awarded if the trier of fact finds that the landlord acted in knowing violation of or in reckless disregard of this Ordinance. The prevailing party shall be entitled to reasonable attorney'and costs pursuant to order of the court. The remedy available under this section shall be in addition to any other existing remedies which may be available to the tenant under local, state or federal law. In addition, this Ordinance grants a defense to eviction in the event that an unlawful detainer action is commenced in violation of this Ordinance.

The protections provided by this ordinance shall be available to all tenants, regardless of any agreement wherein a tenant waives or purports to waive their rights under this Ordinance, with any such agreement deemed void as contrary to public policy.

A. Violations of Section 13.110.020(C) - (Commercial rent restrictions:).

1. Violations of Section 13.110.020(C) may be enforced by an administrative fine of up to \$1,000 pursuant to Chapter 1.28. Each day a commercial property landlord demands rent in excess of the amount permitted pursuant to Section 13.110.020(C) is a separate violation. The City may also charge the costs of investigating and issuing any notices of violations, and any hearings or appeals of such notices.

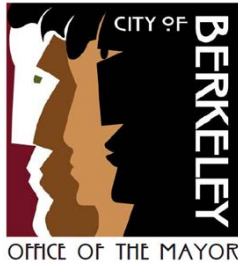
2. The City Attorney may refer those in violators of Section 13.110.020(C) to the Alameda County District Attorney for redress as a violation of Business and Professions Code section 17200, et seq. or, if granted permission by the District Attorney, may bring an action pursuant to Business and Professions Code section 17200, et seq. (Ord. 7704-NS § 1 (part), 2020: Ord. 7698-NS § 1 (part), 2020: Ord. 7693-NS § 1 (part), 2020)

13.110.090 Severability.

If any section, subsection, sentence, clause, phrase, or word of this Chapter, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of this Chapter. The Council of the City of Berkeley hereby declares that it would have passed this Chapter and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this Chapter or application thereof would be subsequently declared invalid or unconstitutional. (Ord. 7704-NS § 1 (part), 2020: Ord. 7698-NS § 1 (part), 2020: Ord. 7693-NS § 1 (part), 2020)

Section 2. Vote Required, Immediately Effective

Based upon the findings in Section 13.110.010 of this Ordinance, the Council determines that this Ordinance is necessary for the immediate preservation of the public health, peace and safety in accordance with Article XIV Section 93 of the Charter of the City of Berkeley and must therefore go into effect immediately. This Ordinance shall go into effect immediately upon a seven-ninths vote of the City Council, in satisfaction of the Charter of the City of Berkeley.



CONSENT CALENDAR

May 11, 2021

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín

Subject: Commit to C40 Race to Zero Campaign

RECOMMENDATION

Adopt a Resolution committing the City of Berkeley to the C40 Race to Zero Campaign.

BACKGROUND

The City of Berkeley has long been a leader on climate action. In 2006, Berkeley residents voted to reduce the community's greenhouse gas (GHG) emissions by 80% below 2000 levels by 2050, and the resulting Climate Action Plan (CAP) was adopted by Berkeley City Council in 2009. In 2018, then-Governor Brown committed California to carbon neutrality by 2045, the Berkeley City Council resolved to become a "Fossil Fuel-Free City," and the Council declared a Climate Emergency, all steps to signal the urgency of these ambitious goals and the need to act on climate threats in an equitable manner.

In July, 2020 City staff provided a detailed update on the Climate Action and Resilience plans, which provided a summary of the work being done to date throughout the City to meet Berkeley's ambitious climate goals (Attachment 2). Key efforts include the development of Berkeley's first Electric Mobility Roadmap, the Natural Gas Prohibition Ordinance, the Building Energy Savings Ordinance, and promoting active transportation. More recently, the City Council took action to remove parking minimums in most new construction.<sup>1</sup> These actions demonstrate Berkeley's climate leadership and the critical role for cities to play in climate action.

The Race to Zero is a global campaign run by the COP26 Presidency and High-Level Climate Champions to rally leadership and support from businesses, cities, regions and investors for a healthy, resilient, zero carbon transition that prevents future threats, creates decent jobs, and unlocks inclusive, sustainable growth. The objective is to build momentum around the shift to a decarbonized economy ahead of COP26, where governments must strengthen their contributions to the Paris Agreement. This will send

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<sup>1</sup> Berkeley City Council Special Meeting Annotated Agenda, January 26, 2021, [https://www.cityofberkeley.info/Clerk/City\\_Council/2021/01\\_Jan/Documents/01-26\\_Special\\_Annotated\\_Agenda\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/01_Jan/Documents/01-26_Special_Annotated_Agenda_pdf.aspx)

governments a resounding signal that cities, regions, businesses and investors are united in meeting the Paris goals and creating a more inclusive and resilient economy.<sup>2</sup>

By adopting this resolution the City will leverage its commitment to climate action and join with other cities and leaders who share our vision for a better future based on a set of principles that address equity and the environment.

#### ENVIRONMENTAL IMPACT

Joining coalitions in support of national and international agreement toward climate action is critical to Berkeley's goals of achieving a more sustainable, equitable and resilient future.

#### FINANCIAL IMPLICATIONS

The recommended action is based on consultation and suggestion of City staff. It is not anticipated that this effort will require any additional staff work at this time.

#### CONTACT PERSON

Jesse Arreguín, Mayor, (510) 981- 7100

#### Attachments:

1. Resolution
2. Climate Action Plan and Resilience Update, July 21, 2020
3. March 2021 Climate Mayors Presentation, Race to Zero Overview

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<sup>2</sup>About Cities Race to Zero, [https://www.c40knowledgehub.org/s/cities-race-to-zero?language=en\\_US](https://www.c40knowledgehub.org/s/cities-race-to-zero?language=en_US)



RESOLUTION NO. ##,###-N.S.

COMMITTING THE CITY OF BERKELEY TO THE RACE TO ZERO CAMPAIGN

WHEREAS, on June 2, 2009, the Berkeley City Council adopted the Berkeley Climate Action Plan to reduce greenhouse gas emissions by 80% of Berkeley's 2000 emissions level; and

WHEREAS, on April 1, 2016, the City of Berkeley released its Resilience Strategy; and

WHEREAS, on November 1, 2016, the Berkeley City Council approved Berkeley's participation in the East Bay Community Energy (EBCE) Authority and authorized implementation of EBCE in Berkeley; and

WHEREAS, on June 12, 2018, the Berkeley City Council declared a Climate Emergency and resolved to become a "Fossil Fuel-Free City"; and

WHEREAS, on July 23, 2019, Berkeley City Council adopted a Prohibition of Natural Gas Infrastructure in New Buildings (BMC Chapter 12.80); and

WHEREAS, on December 3, 2019, Berkeley City Council held a public hearing and adopted an electric-favored reach code to complement the Natural Gas Prohibition; and

WHEREAS, on July 21, 2020, Berkeley City Council adopted the first Berkeley Electric Mobility Roadmap; and

WHEREAS, this demonstrable leadership on climate action has made Berkeley a regional and national model that can be leveraged by joining national campaigns and coalitions for climate actions; and

WHEREAS, the Race to Zero Campaign is a global campaign run by the COP26 Presidency and High-Level Climate Champions to rally leadership and support from businesses, cities, regions and investors for a healthy, resilient, zero carbon transition that prevents future threats, creates decent jobs, and unlocks inclusive, sustainable growth; and

WHEREAS, the objective of this campaign is to build momentum around the shift to a decarbonized economy ahead of COP26, where governments must strengthen their contributions to the Paris Agreement; and

WHEREAS, there are five requirements to join the Race to Zero:

1. Endorse the four principles
2. Pledge to reach net zero in the 2040s or by mid-century at the latest and limit warming to 1.5°C.
3. Plan to set an interim 2030 target consistent with a fair share of 50% global emission reductions

4. Begin at least one inclusive and equitable climate action.<sup>3</sup>
5. Publish your target and action to a reporting platform and report progress annually; and

WHEREAS, the City of Berkeley has already taken partial or complete action on the requirements; and

NOW THEREFORE, BE IT RESOLVED that the Berkeley City Council pledges to join the Race to Zero Campaign and commits itself to the following principles:

1. We recognize the global climate emergency.
2. We are committed to keeping global heating below the 1.5°C goal of the Paris Agreement.
3. We are committed to putting inclusive climate action at the center of all urban decision- making, to create thriving and equitable communities for everyone.
4. We invite our partners – political leaders, CEOs, trade unions, investors, and civil society – to join us in recognizing the global climate emergency and help us deliver on science-based action to overcome it; and

BE IT FURTHER RESOLVED that the Berkeley City Council commits to reaching net-zero in 2045 or sooner and limit warming to 1.5°C; and

BE IT FURTHER RESOLVED that the Berkeley City Council will plan to set an interim 2030 target consistent with a fair share of 50% global emission reductions; and

BE IT FURTHER RESOLVED that the Berkeley City Council will continue to pursue inclusive and equitable climate actions and publish the results of the progress.

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<sup>3</sup> [https://www.c40knowledgehub.org/s/race-to-zero-thank-you?language=en\\_US](https://www.c40knowledgehub.org/s/race-to-zero-thank-you?language=en_US)



Office of the City Manager

ACTION CALENDAR  
July 21, 2020

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Timothy Burroughs, Director, Department of Planning and Development  
Subject: Climate Action Plan and Resilience Update

SUMMARY

The City of Berkeley has long been a leader on climate action. In 2006, Berkeley residents voted to reduce the community's greenhouse gas (GHG) emissions by 80% below 2000 levels by 2050, and the resulting Climate Action Plan (CAP) was adopted by Berkeley City Council in 2009. In 2018, then-Governor Brown committed California to carbon neutrality by 2045, the Berkeley City Council resolved to become a "Fossil Fuel-Free City," and the Council declared a Climate Emergency, all steps to signal the urgency of these ambitious goals and the need to act on climate threats in an equitable manner.

The community is making notable progress in reducing GHG emissions. Based on the best currently available data from 2018, the community has reduced overall GHG emissions by 26% since 2000, despite population increasing by 18% and an expanding economy.<sup>1</sup> This achievement is largely due to reduced energy use in buildings and the transition to purchasing cleaner electricity provided by East Bay Community Energy (EBCE), Alameda County's community-based electricity provider, which started enrolling customers in 2018. EBCE currently offers product options to purchase electricity that are either emissions-free (Brilliant 100 or Renewable 100) or have half of the emissions compared to PG&E (Bright Choice). Further declines in emissions due to this change are anticipated in 2019. The leadership and commitment of the Berkeley community and City Council to create and join EBCE were critical in achieving this success.

Although Berkeley has made significant progress, additional work is required to achieve the City's ambitious goal to become a Fossil Fuel-Free City. Alongside GHG emission reductions, staff also remains committed to developing community resilience, adapting to the changing climate, and advancing racial equity. As the world faces unprecedented challenges in recovering from COVID-19 and addressing racial justice, the City can

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<sup>1</sup> Staff Report: Berkeley Economic Dashboards, March 26, 2019:  
[https://www.cityofberkeley.info/uploadedFiles/Manager/Economic\\_Development/2019-03-26%20Item%2026%20Berkeley%20Economic%20Dashboards.pdf](https://www.cityofberkeley.info/uploadedFiles/Manager/Economic_Development/2019-03-26%20Item%2026%20Berkeley%20Economic%20Dashboards.pdf)

rebuild as a stronger, more equitable, and more resilient community by prioritizing solutions that address climate change while advancing racial equity.

This report provides a summary of work being done throughout the City to meet Berkeley's ambitious climate goals.

### CURRENT SITUATION AND ITS EFFECTS

City staff annually calculates community greenhouse gas (GHG) emissions to understand which sectors and fuels contribute the most emissions in Berkeley, track progress toward the community's climate goals, and provide data that can be used for prioritizing programs and policies.

Figure 1 below shows the community emissions inventory for 2018, the most recent available data: emissions from transportation account for over half (59%) and emissions from buildings account for over a third (37%). Due to the purchase of clean electricity from East Bay Community Energy (EBCE) starting in 2018, emissions from the building electricity sector are substantially less than previous years.

### 2018 Greenhouse Gas Inventory

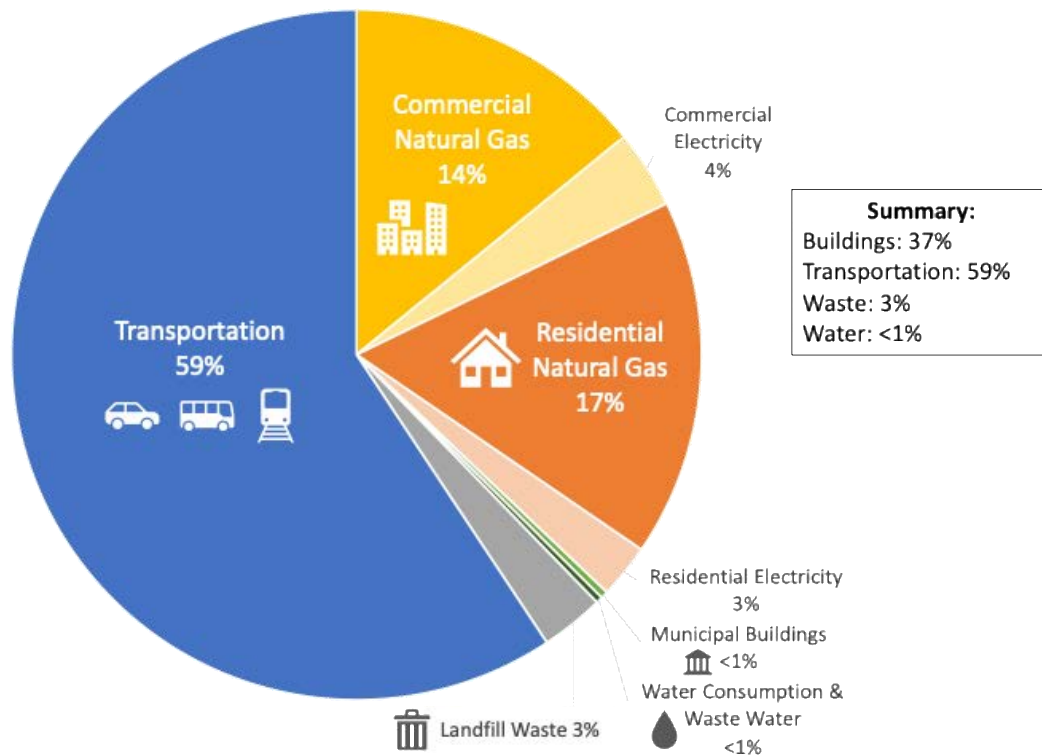


Figure 1 - Pie chart of 2018 community-wide GHG emissions inventory, broken down by sector and fuel.

According to 2018 data, Berkeley reduced GHG emissions by 26% below year 2000 levels, even as its population grew by 18% and Berkeley's economy expanded. This significant decrease in emissions can largely be attributed to Berkeley joining EBCE in 2018. Even though customers transitioned to EBCE over the course of 2018 and during a portion of the year were still using PG&E electricity, overall community emissions were significantly less because in 2018 EBCE's electricity was considerably cleaner than PG&E's (approximately half the amount of carbon dioxide equivalent [CO<sub>2</sub>e]). It is anticipated that building energy emissions will continue to drop for 2019—the first complete year of Berkeley's participation in EBCE—and going forward, as EBCE continues to reduce the carbon intensity of its electricity.

Energy usage also has declined since 2000. The residential sector decreased electricity usage by 20% and natural gas usage by 26%, and the commercial and industrial sectors decreased electricity usage by 32% and natural gas usage by 2%. Attachment 1 provides more detail on Berkeley's sector-based GHG inventory, as well as an overview of a 2013 consumption-based inventory which accounts for the GHGs released to produce, transport, sell, use, and dispose of goods consumed in Berkeley.

The community accomplishments to date are impressive, but more is needed to achieve Berkeley's ambitious goals. The City is actively working on analyses and strategic planning initiatives to identify how best to make Berkeley's buildings and transportation more efficient, and free of fossil fuels. These efforts will determine the most valuable and achievable programs and policies. This work aligns with the Strategic Plan priority of advancing the City's goal to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

In order to truly achieve a more sustainable and resilient future, especially as the City rebuilds from COVID-19, it is critical to prioritize and consider the impacts on **equity** (who benefits, who is burdened, who is left out), **resilience** (how to make the community stronger and better able to recover from challenges together), **climate change** (how to mitigate and adapt to the impacts of climate change), **health and well-being** (how to improve health and social outcomes for all), and **prosperity** (how to encourage workforce development and good quality, high-paying local jobs). These overarching values guide staff's work to achieve Berkeley's climate goals.

Key accomplishments and examples of work underway at the City to reduce GHG emissions and address the climate emergency are described below. Although the data for GHG emissions is for the calendar year of 2018, the progress on programs described in the following sections includes efforts since December 6, 2018, the last time that this report was updated for City Council.

## Equity



*Prioritizing the advancement of equity outcomes into policies and programs.*

Climate change affects everyone, but its impacts are not felt equally. Programs and policies that address climate change must prioritize communities that have been subject to structural and institutional racism and/or are disproportionately affected by climate change. City staff is committed to applying an equity approach to climate work to ensure that policies, plans, and programs are developed in a way that involves input and collaboration with community members and organizations representing underserved communities. This approach begins with an analysis of who benefits, who is burdened, and who is excluded from City sustainability programs and policies in order to prioritize policy solutions that advance equity, accessibility, and inclusion.

Examples of equity work underway in OESD include:

- **Existing Building Electrification Strategy:** Staff is working with a team of building electrification experts to develop a report with short and long-term equitable strategies to electrify all of Berkeley's existing buildings. To ensure that equity is at the center of this Strategy, equity expertise and deliverables were integrated into the procurement process and contract. The Ecology Center is serving as the consultant on equity and is facilitating discussions with community organizations on this topic. The team is using an equity analysis to understand the impacts of policy options on the most vulnerable and impacted communities, in order to identify solutions that advance equity.
- **Electric Mobility Roadmap:** Providing equity, both in the process of developing strategies, as well as in implementing equitable solutions that are meaningful and measurable, was a clear and consistent focus while creating the Electric Mobility Roadmap (Roadmap). Community organizations who work with underserved communities, including low-income populations, communities of color, and people with disabilities, were interviewed as part of the early needs assessment phase, became thought-partners as draft strategies and actions were developed, and remain potential partners for implementation. Greenlining Institute was a paid strategic advisor on this project and provided clear, thoughtful direction and language to ensure that equity was addressed in a meaningful way.
- **Proposed Resilient Homes Equity Pilot Program:** Concurrent to the referral to update the Transfer Tax Rebate Program, staff is recommending that Council consider supporting the development of a parallel equity program (the Resilient Homes Equity Pilot Program) that would provide funding for low-income residents who are not able to access the existing Seismic or future proposed Resilience

Transfer Tax Rebate Program. This program could support homeowners' ability to remain in their homes, improve resilience in an aging building stock, and serve as a replicable example of how City programs can operationalize equity and assure equitable distribution of City resources. If approved by Council, staff would design the program in collaboration with community stakeholders to meet the needs of frontline communities such as low-income communities, communities of color, and those most affected by the impacts of climate change.

## **Transportation**



*Biggest opportunity sector, advancing opportunities for people to safely walk, bike, take public transit, and electrify mobility options.*

Transportation accounts for 59% of Berkeley's total 2018 GHG inventory. This is the largest sector of GHG emissions and the most challenging to tackle. The City continues to work to get people out of cars by prioritizing walking and biking, and into less-polluting modes of transportation.

As the City and transportation agencies continue to respond to and recover from COVID-19, transportation services and emissions from this sector will be impacted. For example, with more people working from home, emissions from commutes have decreased, but as people begin to go back to work, those who have access to private vehicles may prefer to use their own vehicles over public transit. There are also many equity impacts related to travel options. Support will be needed to maintain momentum for positive travel behaviors, like walking, biking, and telecommuting; rebuilding trust in public transit will be critical.

### **Active Transportation and Reducing Vehicle Miles**

Active transportation refers to strategies encourage walking, biking, and public transit over single occupancy vehicles. Strategies in this area include: bike share and other shared micromobility options; transit infrastructure investments to increase ridership by reducing transit travel time and delay; safe, abundant pedestrian and bicycle infrastructure; and eliminating severe traffic crashes for all travelers. The City continues to focus new compact, mixed-use development along public transit corridors in designated Priority Development Areas, particularly in or near Downtown Berkeley, at BART stations, and along San Pablo Avenue. Additionally, in order to reduce the amount of time and miles driven in single occupancy vehicles, strategies include the goBerkeley parking management program, which reduces vehicle travel associated with searching for parking; and car sharing service options, including one-way car share.

Strategic work within this sector includes updating and implementing transportation plans. The Pedestrian Plan Update and the Transit-First Policy Implementation Plan are

scheduled for completion by the end of 2020. The Pedestrian Plan will propose programs, policies, and projects to make walking more comfortable and safe, with a particular focus on infrastructure to improve street crossings and reduce motor traffic speeds. The Transit-First Policy Implementation Plan is anticipated to establish protocols for bus stop location and transit signal priority, lay out a schedule for future transit corridor studies, and contain transit-supportive street design prototypes. Implementation of the Berkeley Strategic Transportation (BeST) Plan is also underway, including the adoption of the Berkeley Vision Zero Action Plan in March 2020, with the goal of ending traffic deaths and severe injuries on Berkeley streets by the year 2028. Traffic safety improvements and housing density near jobs have contributed to Berkeley having the highest walking commute rate in California (among cities with populations over 5,000), and the highest bicycling commute rate in the nation among cities of 100,000 residents or more.

Implementation of the Berkeley Bicycle Plan (2017) supports bicycle travel and commuting by reducing traffic stress experienced by existing and potential bicyclists. According to surveys completed for the Bicycle Plan, low stress bikeways could encourage up to 71% of Berkeley residents to try cycling or to cycle more. Nearly 10% of Berkeley residents bike to work, and approximately 14% of all trips in Berkeley are by bicycle. Following the successful rollout of regional bike share (Bay Wheels) in Berkeley in 2018, staff have continued to work with electric scooter share companies and other vendors to bring the next generation of micromobility to Berkeley in a safe, accessible way. In December 2019 the City Council approved the conceptual design for a new protected bikeway on Milvia Street between Hearst Avenue and Blake Street through Downtown Berkeley. The project is fully funded as part of the Affordable Housing and Sustainable Communities grant for the Berkeley Way project and is scheduled to be constructed in 2021. The Center Street Garage continues to serve as the permanent home for the Downtown Berkeley Bike Station, offering secure valet bike parking, rentals, and repairs.

Upcoming projects highlight Berkeley's Transit First, Complete Streets, Vision Zero, and economic development policies. Most notably, the City received a grant of over \$7 million in federal funding to design and construct the Southside Complete Streets project, including transit time reliability improvements, traffic safety projects, and better access to Southside businesses. The project will focus on adding bus only lanes, protected bikeways, pedestrian crossing safety improvements, and passenger and loading zone improvements at various locations on Telegraph Avenue, Bancroft Way, Dana Street, and Fulton Street. The project will kick off public engagement in fall 2020, with construction scheduled for 2023.

### **Electric Mobility Roadmap**

Staff began work with the community and Energy Commission in late 2018 to draft Berkeley's first Electric Mobility Roadmap (Roadmap). The Roadmap supports clean transportation, including walking, biking, public transportation, and a wide range of



electric vehicles, with a focus on equitable and affordable access. The Roadmap identifies strategies and actions to achieve these four goals:

- Ensure Equity in Access to Electric Mobility  
*Maximize electric mobility benefits in underserved communities*
- Improve Alternatives to Driving  
*Shift trips to walking, cycling, and shared electric modes*
- Achieve Zero Net Carbon Emissions  
*Eliminate emissions from private vehicles*
- Demonstrate City Leadership  
*Lead by example and guide the electric mobility transition*

The Roadmap includes scenario modeling of what is needed to reach carbon neutrality by 2045 and found that electric vehicle (EV) sales in Berkeley would need to reach about 90% of vehicle purchases by 2025 and nearly 100% by 2030 (up from 16% in 2017). This would translate to EVs being approximately 25% of vehicles in use within Berkeley by 2025, 55% by 2030, and 100% by 2045. However, these numbers could be offset by supporting clean alternatives to driving which could also reduce the total number of vehicles and provide co-benefits such as lower traffic congestion and healthy, active transportation, as well as reduced or eliminated GHG emissions.

### **Electric Vehicles & Charging Stations**

The City continues to install EV charging stations for public use, and promote the use of electric vehicles. As of October 2018, EVs were nearly 4% of registered personal vehicles in Berkeley. There were 105 total publicly-available EV charging ports listed on PlugShare and the Department of Energy's Alternative Fuels Data Center in Berkeley as of February 2019<sup>2</sup>. The City of Berkeley currently provides a total of 73 Level 2 EV charging ports for public and fleet charging, including 37 new EV charging ports that were installed in Center Street Garage at the end of 2019.

### **Fleet**

Tied to the Roadmap goal of demonstrating City leadership, staff worked with EBCE to conduct a municipal fleet electrification assessment. This assessment, also scheduled for City Council consideration on July 28, 2020, presents an EV deployment and associated charging infrastructure plan through 2030 including distributed energy resource (solar and battery storage) charging options. If investments can be made to transition the light duty municipal fleet to EVs over the next 10 years, it will reduce the associated lifecycle (well-to-wheels) GHG emissions of these vehicles from 56.6 to 2.1 metric tons, a 96% reduction by 2030.

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<sup>2</sup> These stations were located on municipal property and at Berkeley businesses including grocery stores, offices, and hotels. Residential home charging stations are not included.



*Reducing energy use, promoting cleaner energy, and transitioning all buildings to clean electricity.*

In the 2018 inventory, buildings account for 37% of GHG emissions in Berkeley, and of those emissions 83% are from natural gas. Natural gas use in buildings account for 31% of all community emissions. Key accomplishments have been made to reduce energy use in buildings, use cleaner electricity in buildings, as well as to transition buildings away from natural gas infrastructure to clean electricity.

Removing natural gas from buildings, or building electrification, not only reduces GHG emissions, but it also improves indoor air quality and safety by removing the potential for natural gas leaks. Furthermore, the elimination of gas in buildings will ultimately allow for the strategic decommissioning of natural gas distribution infrastructure and the associated leakage of methane leakage, the main component of natural gas. This is significant because methane traps 86 times more heat than carbon dioxide. Berkeley's building electrification strategy is based on the following three objectives:

1. **No new connections** to the natural gas distribution system,
2. Creating requirements or incentives to **promote electrification** in existing buildings throughout the City, and
3. Developing a plan for **strategic electrification by geographic area** that allows for the early retirement and decommissioning of the natural gas distribution infrastructure and elimination of associated methane emissions.

Berkeley is a leader in advancing electrification in new buildings, specifically through its Natural Gas Prohibition and 2019 Energy Reach Code. Progress is being made in each of the objectives, as reported below.

### **1. No new connections to natural gas**

Berkeley is achieving this objective by eliminating gas in new construction through its landmark natural gas prohibition and electric-favored reach code.

- **Natural Gas Prohibition**

In July 2019, the City Council adopted the first ordinance in the nation to prohibit the use of natural gas in newly constructed buildings. The Natural Gas Prohibition became effective on January 1, 2020, and applies to new building applications for land use permits or zoning certificates. New buildings subject to the prohibition will use highly efficient heat pumps, for water heating and for heat and air conditioning, and electrically powered appliances. This policy supports

State and City efforts to decarbonize buildings, removing not only the GHGs produced by the combustion of natural gas (methane) within buildings, but new methane pipeline connections as well, and the leakage associated with this potent, and persistent, GHG.

- **2019 Electric-Favored Energy Reach Code**

In December 2019, Berkeley City Council adopted local amendments to the California Energy Code. This electric-favored “reach code,” approved by the California Energy Commission in February 2020, requires newly constructed buildings to include solar PV systems and feature either all-electric systems or mixed-fuel construction that exceeds the efficiency requirements of the Energy Code and includes electric-readiness. The reach code and prohibition work in tandem to support building electrification and its health, safety, and climate benefits.

## 2. Requirements and incentives to promote efficiency and electrification in existing buildings

Berkeley is making progress in this area, but additional work identifying and leveraging incentives to offset costs of electrification is needed.

- **Building Energy Saving Ordinance**

Berkeley’s Building Energy Savings Ordinance (BESO) requires building owners to complete and publicly report building-specific energy efficiency assessments and energy scores. The goal of BESO is to reduce both energy costs and GHG emissions in Berkeley’s existing buildings. To date, BESO has achieved many successes, including:

- Made Berkeley a national model for building energy labeling.
- Provided data on the energy use and energy efficiency opportunities of Berkeley’s existing building stock.
- 1,532 Energy assessments completed.
- 1,256 Home Energy Scores<sup>3</sup> completed, with an average of 4.3 out of 10.
- 92 Large building Energy Star Portfolio Manager Benchmarks completed.
- 33 large buildings (over 25,000 square feet) have achieved an ENERGY STAR Score of 80 or greater and qualified as High Performance Buildings exempted from the requirement for an energy improvement or assessment every 5 years.

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<sup>3</sup> Developed by the US Department of Energy and its national laboratories, the Home Energy Score provides home owners, buyers, and renters directly comparable and credible information about a home’s energy use. Each Home Energy Score is shown on a simple one-to-ten scale, where a ten represents the most efficient homes. More information can be found at: <https://www.energy.gov/eere/buildings/downloads/home-energy-score#:~:text=Developed%20by%20DOE%20and%20its,about%20a%20home's%20energy%20use.&text=Each%20Home%20Energy%20Score%20is,represents%20the%20most%20efficient%20homes.>

In February of 2020, a third-party evaluation of the BESO program was completed to assess whether BESO is meeting its goals of being easy, affordable and valuable. The evaluation recommended:

- Align with Berkeley’s electrification and community resilience goals;
- Identify and leverage incentives to encourage upgrades;
- Increase the number of energy upgrades that result from the energy assessment recommendations and improve tracking; and
- Streamline BESO administrative processes for both staff and the public.

Staff is providing a separate complete report to City Council on the BESO Evaluation and proposed recommendations.

• **Financial Incentives**

Incentives are critical to the advancement of energy efficiency and electrification. As electrification of buildings requires financial investments by owners, it is important to identify incentives to accelerate adoption of these newer technologies. For the first time, due to recent changes by the California Public Utilities Commission (CPUC) to allow publicly funded energy efficiency dollars to be spent on “fuel switching” (changing from gas to electric appliances), there are now incentives available to electrify residential and multifamily buildings:

- The [BayREN Home+](#) program<sup>4</sup> provides both energy efficiency and electrification incentives, a network of certified contractors, and free technical advice. Homeowners can access electrification rebates through the BayREN program for heat pump space heating and cooling (\$1,000), heat pump water heaters (\$1,000), induction electric ranges or cooktops (\$300) and heat pump clothes dryers (\$300). Additionally, BayREN offers up to \$1,000 for heat pump water heaters through an [installer incentive](#)<sup>5</sup>. Multifamily buildings can access incentives through the [Bay Area Multifamily Building Enhancements](#) (BAMBE) program<sup>6</sup> for both central and in-unit heat pump HVAC and water heaters, electric dryers, cooktops and heat pump pool heaters.

Figure 2 below shows the rebates provided in Berkeley through the Home+ program in 2019, when the program launched, and the BAMBE program for 2018 and 2019.

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<sup>4</sup> BayREN Home+: <https://bayrenresidential.org/>

<sup>5</sup> BayREN Heat Pump Water Heater Incentive for Contractors: <https://www.bayren.org/hpwh>

<sup>6</sup> Bay Area Multifamily Building Enhancements (BAMBE) program: <https://bayareamultifamily.org/programs>

2019 Home+:

| Year | # of households | # of measures installed | kWh savings | Therms savings | Total rebate amount |
|------|-----------------|-------------------------|-------------|----------------|---------------------|
| 2019 | 93              | 315                     | 5,947       | 5,619          | \$ 124,047          |

BAMBE:

| Year | # of projects | # of units | kWh savings | Therms savings | Total rebate amount |
|------|---------------|------------|-------------|----------------|---------------------|
| 2018 | <5            | 100        | 13,155      | 4,138          | \$ 75,000           |
| 2019 | <5            | 103        | 32,149      | 3,715          | \$ 77,250           |

Figure 2 - Berkeley Rebates from Home+ (2019) and BAMBE Programs (2018-2019)

• **Existing Building Electrification Strategy**

Achieving Berkeley’s GHG emission reductions goals will require phasing natural gas out of existing buildings. The City is working with a team of experts (including the Rocky Mountain Institute, Rincon Consultants, Inc., and the Ecology Center) on a Berkeley Existing Buildings Electrification Strategy to identify long and short-term strategies to make the buildings in Berkeley free of fossil fuels. This analysis will include costs and timelines, as well as identify the most effective policies and programs to achieve the Fossil Fuel-Free City goal. This Strategy is being developed with the Ecology Center as a dedicated equity consultant, to ensure that the policies and programs are evaluated with racial and social equity as a priority.

The team is currently conducting a technoeconomic analysis focused on Berkeley buildings and a review of strategies for accelerating an electrification transition. Over the next few months, City staff will be engaging community stakeholders and technical experts to evaluate policy options, with a final report expected for Council consideration in early 2021. Strategies being evaluated include piloting neighborhood electrification, financing for whole building electrification, and targeted electrification at specific leverage points like time of sale and/or time of replacement policies. An initial finding is that pairing solar PV with whole home electrification has a viable payback, therefore it is important to promote or subsidize solar, especially for low or moderate-income residents.

**3. Strategic electrification and early retirement of gas distribution infrastructure**

The City is working to identify geographic opportunity areas that could be considered for strategic electrification, with the goal of retiring the associated gas infrastructure serving adjacent buildings or a neighborhood. Identifying a potential pilot project in a low-income neighborhood could provide health and comfort benefits to households most impacted by climate change. The City is leading the way in exploring this innovative concept.

- ***eLab Accelerator on Strategic Electrification and Retirement of Gas Assets***

The City of Berkeley has been invited to participate in the Rocky Mountain Institute's eLab Accelerator Program on strategic electrification and gas distribution system retirement. This project brings together staff from Pacific Gas and Electric (PG&E), the CA Public Utilities Commission (CPUC), the Natural Resources Defense Council (NRDC), and other experts. The goal is to develop a proposal for a pilot project for specific location(s) that helps existing buildings switch from natural gas to electric for heating/cooling needs, and to also decommission natural gas infrastructure distribution pipelines. The project seeks to identify regulatory and financial barriers and safe and equitable solutions, though no implementation funding has yet been identified.

### **Municipal Facilities**

GHG emissions from municipal facilities account for less than 1% of overall community emissions, but it is important that the City leads by example in making its facilities as clean, efficient, safe, and healthy as possible. Since the City opted its buildings to purchase carbon-free electricity from EBCE, emissions have dropped significantly. The City has also shown leadership in energy efficiency and building electrification. Energy efficiency projects have been successfully completed at James Kenney Recreation Center and the Public Safety Building, and electrification measures have been included in upgrades to the North Berkeley Senior Center and Live Oak Park. The upgrade to the Mental Health Building will result in an all-electric building that is zero emissions.

For more information on progress made in municipal facilities, please see Attachment 2.

### **Waste**



*Leading the way towards zero waste in policy, planning and practice.*

Although waste is a small contributor to Berkeley's communitywide GHG emissions in comparison to transportation and buildings, reducing the amount of waste produced can directly save energy and emissions related to producing and transporting goods. In addition, reducing the amount of waste that ends up in a landfill reduces methane emissions, a powerful GHG released as organic materials decompose in a landfill.

The Zero Waste Division is strategically planning and implementing programs and services to bring the City closer to its zero landfilled waste goal. Some key efforts toward this goal include:

### **Zero Waste Transfer Station Rebuild Feasibility Study**

The Solid Waste & Recycling Transfer Station Feasibility Study was completed in late 2019 with two options for the replacement of all facilities currently operating at the Second and Gilman streets location. A CEQA Compliance Request for Proposals (RFP) for the project was issued on April 23, 2020 and a contract is scheduled to be awarded by late July 2020. This phase of the project may take up to three years to complete with a Mitigated Negative Declaration or, if necessary, a Final Environmental Impact Report issued and approved. The replacement Facility will serve as the hub for the City to transfer garbage, sorted recyclables, compost and other materials, at a state-of-the-art zero waste facility to meet current and future needs and achieve the City's goal of zero waste.

### **Senate Bill 1383**

On September 19, 2016, SB 1383 was signed into law. This State legislation is designed to reduce short-lived climate pollutants and requires 75% organic waste reduction by 2025 and a 20% increase in recovery of edible food that is currently disposed by 2025. California local jurisdictions have significant, new requirements to implement additional waste reduction programs and enhanced reporting and enforcement protocols to comply with the state legislation. City staff is participating in a regional task force convened by StopWaste to assess the impacts to current programs and policies. The new requirements must be implemented by January 1, 2022.

### **Single Use Foodware and Litter Reduction Ordinance**

On January 22, 2019, City Council unanimously passed the Single Use Foodware and Litter Reduction Ordinance designed to reduce single-use disposable foodware and promote reusable foodware. This ordinance was developed with community and stakeholder input gathered through online and in-person surveys and six public input sessions convened by the City's Zero Waste Commission. The final ordinance incorporated recommendations developed by the Zero Waste Commission that were based on the public and stakeholder input. Outreach material was sent to 840 Prepared Food Vendors in 2019 to inform them of the ordinance requirements and offer available resources, including onsite technical assistance provided by a contracted vendor. It will be necessary to allocate additional funding to provide onsite technical assistance and mini-grants to all Prepared Food Vendors. COVID-19 has impacted the implementation of this ordinance, including the March 31, 2020 Health Order that does not permit customers to bring their own bags, mugs, or other reusable items from home.

### **Zero Waste Strategic Plan**

Based on a Council-approved Zero Waste Commission recommendation, staff plans to release a Request for Proposals for a Zero Waste Strategic Plan by mid-2021 to improve existing programs and propose a roadmap of options and policies that will help the City reach its Zero Waste goal effectively.



## **Community Outreach & Engagement**



*Achieving equitable climate action together.*

Berkeley is committed to community engagement and education. Recent events and outreach topics have included green and healthy homes, electric vehicles, solar, access to clean energy, and electrification for both residents and building professionals. A summary of outreach events from February 2019-February 2020 can be found in Attachment 4. Outreach is also being conducted focused specifically on communities of color and those most impacted by climate change, as described above in this report.

As COVID-19 social distancing measures have severe impacts on the ability to do in-person outreach events, staff is exploring innovative, safe and accessible engagement strategies to reach impacted communities while limits on public gatherings persist, and will plan for opportunities for innovative, safe in-person community engagement when that approach can safely resume.

**Engagement for Marginalized and Front-line Communities:** City Council adopted a referral on January 21, 2020 to (1) improve and increase external community engagement, to engage the community and allow for input on new policies and programs which affect marginalized and front-line communities (2) identify the funding resources needed to adequately implement this engagement, and (3) include a Climate Impacts section in all City Council items and staff reports. In response, staff is proposing in a separate report steps to (1) continue engagement around community-driven, equitable climate solutions, and to seek external resources to enable meaningful community engagement of impacted communities around equitable climate solutions; and (2) refer to the Agenda Committee a revision to the Council Rules of Procedures to update the Environmental Sustainability section of City Council items and staff reports as “Environmental Sustainability and Climate Impacts.”

### **Outreach on clean energy**

The City highlights energy efficiency, clean energy and electrification strategies in outreach efforts. The City, in conjunction with StopWaste, hosted workshops about the BayREN Home+ and BAMBE programs to help homeowners and multifamily property owners access resources and incentives for energy and water saving upgrades to increase savings, improve indoor air quality and comfort, and decarbonize buildings.

The City promoted access to clean energy by educating the community about EBCE, and the option to opt up to EBCE’s Brilliant 100 (100% carbon-free) or Renewable 100 (100% solar and wind) electricity products. The City has increased access to rooftop solar by streamlining permitting and inspection, which was nationally recognized with a SolSmart Gold designation in 2018, and by participating in the seasonal Bay Area



SunShares program for the fourth consecutive year. SunShares provides time-limited group discounts, vetted providers, community workshops, and a streamlined process to remove barriers to solar adoption. Berkeley has been one of the top outreach partners every year (2016-2019), resulting in 77 rooftop solar installations (219 kilowatts).

The 2019 East Bay Electrification Expo, co-convened by the Ecology Center, StopWaste and the Berkeley Climate Action Coalition, showcased the benefits of all electric homes and was one of the highlights of the year. The Expo brought together community members, building professionals, and manufacturers to attend workshops, talk to local residents about electrifying their homes and apartments, watch induction cooktop demonstrations, see ultra-efficient heat pump technology, and meet local contractors experienced with this technology.

### **Outreach on clean transportation**

Staff conducts outreach on the climate, health and financial benefits of electric transportation, focusing on incentives and special programs for income-qualified drivers. Key events included a Berkeley Climate Action Coalition *Clean Transportation Convening* and the 2019 *3<sup>rd</sup> Annual Ride Electric at the Farmers' Market*, part of National Drive Electric Week. *Ride Electric* showcased the latest electric cars and bikes and local EV drivers and enthusiasts. The City also partnered with 350 Bay Area and the Ecology Center to deliver *Electric Cars 101* workshops. OESD's CivicSpark fellow also translated the presentation into Spanish to help reach underserved, non-English speaking communities.

### **Berkeley Climate Action Coalition (BCAC)**

Since 2012, the Berkeley Climate Action Coalition (BCAC), co-convened by the Ecology Center and the City, has been a vehicle for climate engagement. BCAC's membership has grown to nearly 1,000 people, which includes residents, nonprofits, neighborhood groups, faith-based organizations, schools, businesses and UC Berkeley. From 2012-2016, BCAC received funding from the San Francisco Foundation and the City of Berkeley that supported quarterly convenings on a variety of topics such as climate change and health, intergenerational climate change, clean transportation and energy, and climate justice. Over the years, BCAC has supported a variety of volunteer-led working groups on topics including land use, water, transportation, community choice energy, electrification, and environmental health, and BCAC members continue to play an active role in large public events such as Ride Electric and the East Bay Electrification Expo. BCAC has advocated for free youth bus passes, energy solutions for renters, limiting refinery expansion in frontline communities, community choice energy, and solar for all.

## **Climate Adaptation & Community Resilience**



*Strengthening and preparing the community for shocks and stresses, including adapting to the impacts of climate change.*

### **Solar + Storage for Critical Facilities**

The City of Berkeley is committed to pursuing resilient energy assurance solutions, like solar and battery storage systems at critical facilities that can operate both on the electricity grid, and separate from the grid to continue operating during a power outage (also called islandable solar + storage systems). These islandable solar + storage systems can bring multiple benefits to the community including reliable backup power in the event of a planned or unplanned power outage, clean, local distributed energy, and potential cost savings. The City is working with EBCE, which received a grant from the Bay Area Air Quality Management District to assess the potential for resilient solar + storage systems at critical municipal facilities throughout Alameda County. The City of Berkeley submitted a list of potential critical facilities to the EBCE project portfolio, which totals 300 buildings across Alameda County.

EBCE and its partners have conducted initial analysis of location and sizing potential for the sites and will launch a territory-wide procurement process that will reduce the cost and complexity of potential system deployment. EBCE recently released a Request for Information to solicit input from potential vendors on procurement options and plans to release a full Request for Proposals for vendors to bid on the various projects in Summer/Fall 2020. The City will have the opportunity to participate in the procurement and eventual implementation of solar + storage. If the City Council decides to move forward, additional funding may be needed to retrofit buildings in order to install the solar + storage at those sites.

### **Sea Level Rise**

The City's Parks, Recreation & Waterfront Department provided a one-time funding request to Council to provide resources to complete a Shoreline Stabilization Project and the Waterfront Master Plan, which will contain a sea level rise study.<sup>7</sup>

### **Local Hazard Mitigation Plan (LHMP)**

The recently updated LHMP, approved in 2019, identifies climate change as a man-made hazard that will affect the Berkeley community. The LHMP is the main document

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<sup>7</sup> City of Berkeley, "Shoreline Stabilization Project and the Berkeley Waterfront Sea-Level Rise Study" Staff Report, June 19, 2018: [https://www.cityofberkeley.info/uploadedFiles/Clerk/Level\\_3\\_-\\_General/Shoreline%20Stabilization%20Project%20061918.pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_General/Shoreline%20Stabilization%20Project%20061918.pdf)

that houses the City's climate adaptation work. This includes hazards such as extreme heat, sea-level rise and flooding, and water security.

### **Bay Area Climate Adaptation Network (BayCAN)**

Berkeley is a founding member and participates in the Steering Committee of the Bay Area Climate Adaptation Network (BayCAN), a network of local government staff helping coordinate an effective and equitable response to the impacts of climate change. BayCAN works to share best practices, develop opportunities for collaboration and program implementation, and secure funding and resources for climate adaptation.

### **UC Berkeley and The Berkeley Lab**

UC Berkeley and the Berkeley Lab are not included in Berkeley's GHG emissions inventory since their campuses are outside of the City's jurisdiction. However, both institutions track their own emissions reduction goals and are engaged community partners in addressing climate change. The Berkeley Lab has partnered directly with the City on several innovative sustainability projects including building data management tools and zero-net energy analysis of municipal buildings. UC Berkeley has collaborated on the Berkeley Climate Action Coalition and has provided research and technical assistance on a variety of projects. Please see Attachment 3 for progress reports from both UC Berkeley and the Berkeley Lab on their individual climate goals, programs, and policies.

### **BACKGROUND**

In recognition of the climate crisis, the City has added additional climate goals to bolster the Climate Action Plan goal of reducing greenhouse gas emissions below 2000 levels by the year 2050. These local goals include:

- **Fossil Fuel Free Berkeley:** In June 2018, Berkeley City Council referred a [proposed resolution](#)<sup>8</sup> to the Energy Commission and Transportation Commission to further implement the Climate Action Plan and establish a goal of becoming a Fossil Fuel Free City.
- **Climate Emergency:** On June 12, 2018, the Berkeley City Council adopted a [Climate Emergency Declaration](#)<sup>9</sup>.

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<sup>8</sup> Fossil Fuel Free City proposed resolution: [https://www.cityofberkeley.info/Clerk/City\\_Council/2018/06\\_June/Documents/06-12\\_Annotated\\_Agenda.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2018/06_June/Documents/06-12_Annotated_Agenda.aspx)

<sup>9</sup> Climate Emergency Declaration: [https://www.cityofberkeley.info/uploadedFiles/Council\\_2/Level\\_3\\_-\\_General/Climate%20Emergency%20Declaration%20-%20Adopted%2012%20June%202018%20-%20BCC.pdf](https://www.cityofberkeley.info/uploadedFiles/Council_2/Level_3_-_General/Climate%20Emergency%20Declaration%20-%20Adopted%2012%20June%202018%20-%20BCC.pdf)

- **Net-Zero Carbon Emissions:** In 2018, Mayor Arreguin announced the City's intention to achieve zero net carbon emissions by 2045, in alignment with California state-wide goals.
- **Vision 2050:** Vision 2050, supported by Measure R in the November 2018 election, is an effort to develop a framework for a 30-year sustainable infrastructure plan. The goal of the Vision 2050 plan is to ensure that Berkeley is prepared for climate change by identifying and guiding the implementation of a climate smart, technologically advanced, integrated, and efficient infrastructure system.

In order to achieve these ambitious goals, ***Berkeley's path to a clean energy future*** is summarized below and described in more detail in the 2018 CAP Update Report to City Council<sup>10</sup>:

- Step 1 – Reduce energy use and waste
- Step 2 – Support clean electricity
- Step 3 - Electrify transportation and buildings

The framework and overarching values (equity, resilience, climate change, health and well-being, and prosperity) guide the work to achieve the City's climate goals.

#### ENVIRONMENTAL SUSTAINABILITY

The City's Climate Action Plan, Resilience Strategy, Local Hazard Mitigation Plan, and Strategic Plan all contribute to advancing the community towards a clean and resilient energy future that successfully meets Berkeley's climate goals. Mitigation of GHG emissions within Berkeley and planning for the impact of climate change are interrelated and, with careful strategic planning, can address environmental concerns and achieve a more sustainable, equitable, and resilient future.

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<sup>10</sup> Staff Report: Climate Action Plan Update, December 6, 2018:  
<https://www.cityofberkeley.info/recordsonline/api/Document/AS1qYEO88qcY6lps8nwbGgL4jGxxlSquza3ESIDOTS6DL2nW1jPxxzLJVhyvQgYDIIPuJDdT3oigVB31dHEfM%3D/>

### POSSIBLE FUTURE ACTION

This report provides the City Council with an update on GHG emission trends, an overview of associated current activities, and the planning efforts underway to develop strategies to accelerate the rate of GHG emission reductions to reach Berkeley's increasingly ambitious climate goals. The current strategic planning efforts for transportation, waste, and buildings will provide a pathway for concentrated reductions in energy use, clean electricity, and electrification of the building and transportation sectors. Staff will return to the City Council for direction on prioritization and funding based on the findings of these strategic plans. As the community responds to and recovers from the impacts of COVID-19, strategic prioritization will need to be applied to identify target areas of focus, and equity and resilience should continue to be central in recovery efforts.

### FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Current climate action priorities are funded by existing grants, enterprise funds, and General Fund allocations. Staff continues to seek additional grants and other sources of funding to accelerate existing efforts. The fiscal impacts of accelerating CAP implementation are currently unknown, but are expected to be significant, and are dependent on City Council's policy choices. Some areas of future investment could include support for additional staff to implement the Mobility Roadmap, resources to incentivize electrification upgrades, funding to support pilot equity programs, and capital funding to make municipal building improvements for electrification, air quality and ventilation improvements, and resilience through solar + storage.

Strategic electrification is key to achieving Berkeley's ambitious climate goals. However, current rate structures and projected increases can impede electrification efforts, making electrification a costly option. Moving forward, close collaboration and cooperation with PG&E and EBCE will be necessary to create rates that are equitable and provide a pathway to fossil-free energy sources for Berkeley residents and businesses and ensure a resilient and safe electricity grid. An equitable transition to clean electricity will require strategic investment in buildings and people.

### CONTACT PERSON

Billi Romain, Manager, Office of Energy & Sustainable Development – Planning Department, 510-981-9732

### Attachments:

- 1: 2018 Berkeley Community-Wide Greenhouse Gas Inventory
- 2: Municipal Facilities Update
- 3: Progress Report from UC Berkeley & the Berkeley Lab
- 4: Summary of Community Outreach Events, February 2019-February 2020

## **Attachment 1: Berkeley’s Community-Wide Greenhouse Gas Emissions Inventory**

### Introduction

In order to understand the sources of community-wide greenhouse gas (GHG) emissions, City staff conducts an annual GHG emission inventory. Data is gathered from regional entities on sector-specific activities, and is then converted to metric tons of carbon dioxide equivalent (MT CO<sub>2e</sub>). The inventory utilizes the best available data (despite challenges regarding access to accurate, consistent datasets) and follows the Global Covenant of Mayors for Climate & Energy protocol which allows the City to report consistently to the community and to other agencies. This inventory focuses on emissions that are created within Berkeley’s border, considering sectors like transportation, the built environment, landfilled solid waste, water consumption, and wastewater usage. A separate inventory methodology called a “consumption-based inventory” accounts for the impacts of goods and services consumed by Berkeley residents and businesses, even if the related emissions were created elsewhere. These two approaches, compared side-by-side, can help paint a more holistic picture of Berkeley’s carbon footprint and how reduction strategies should be prioritized.

### Community-Wide GHG Emission Inventory

Creating and updating a consistent GHG emissions inventory helps to define the extent to which certain sectors and fuels contribute to GHG emissions, and helps to track progress toward the community’s climate goals over time. This type of inventory focuses on emissions that have occurred within Berkeley’s jurisdictional boundaries, which includes the following emissions sources: transportation modeled from traffic analysis, building electricity usage, building natural gas consumption, landfilled solid waste, as well as emissions from water consumption and wastewater treatment. The most recent full year of available data is from 2018. Although this inventory does not include UC Berkeley and The Berkeley Lab, as they are outside the City’s jurisdiction, they continue to be valued partners in efforts working to improve Berkeley’s shared community and combat climate change. See Attachment 3 of the Climate Action Plan Update for progress reports from UC Berkeley and the Berkeley Lab.

## 2018 Greenhouse Gas Inventory

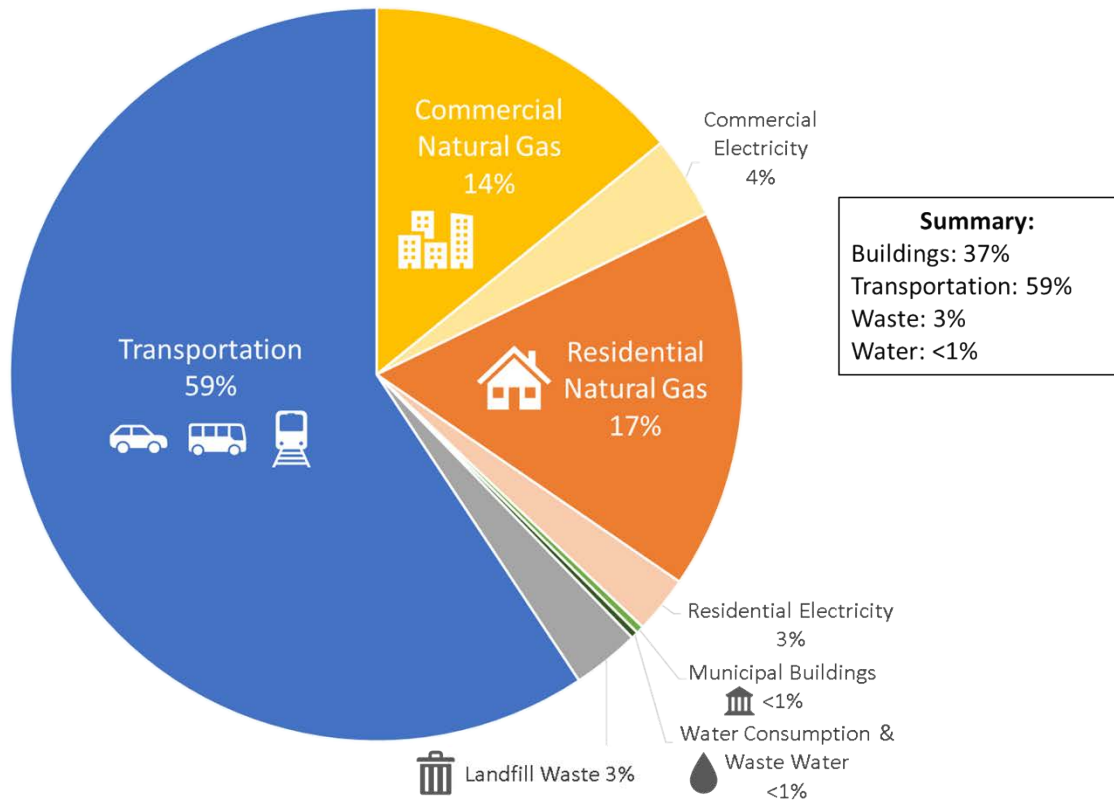


Figure 1: Pie chart of 2018 community-wide GHG emissions inventory, broken down by sector and fuel.

Creating an emissions inventory that tracks each sector and fuel individually informs policies and programs that may provide the biggest impact to achieving the Climate Action Plan (CAP) emission reduction goals. The distribution seen in Figure 1 is similar to inventories conducted in the past, with over half of emissions coming from the transportation sector, calculated from a regional traffic analysis model conducted by the Metropolitan Transportation Commission.

Energy usage data in Berkeley buildings is provided by East Bay Community Energy (EBCE) and PG&E, and is broken down into residential, municipal, and commercial (including industrial) buildings—for both electricity use and natural gas combustion. The built environment is the second largest source of emissions at 37%.

Other sectors include landfilled waste, water consumption, and wastewater treatment. These sectors, although seemingly small based on this inventory, represent much broader environmental concerns, such as the impact on water management systems as California experiences more frequent and intense droughts. Solid waste, particularly organic material, emits methane when landfilled, which is accounted for in this inventory. However, the impacts related to the production, transport, and consumption

of goods and services, long before reaching a landfill, must also be considered. Please see the section below on consumption-based inventories for more detail.

**Current Community-Wide Sector-Based GHG Emission Trends**

The most current community emissions are compared to the CAP baseline year of 2000, to identify reductions achieved thus far. A historic summary of Berkeley’s annual emissions inventories from 2000 to 2018 is provided in Figure 2. Please note that due to data access issues for accurate building energy use data between 2014-2017, years of inventory data developed with assumptions are represented in shaded coloring, and as no inventory was calculated for 2017 this year of data is omitted.

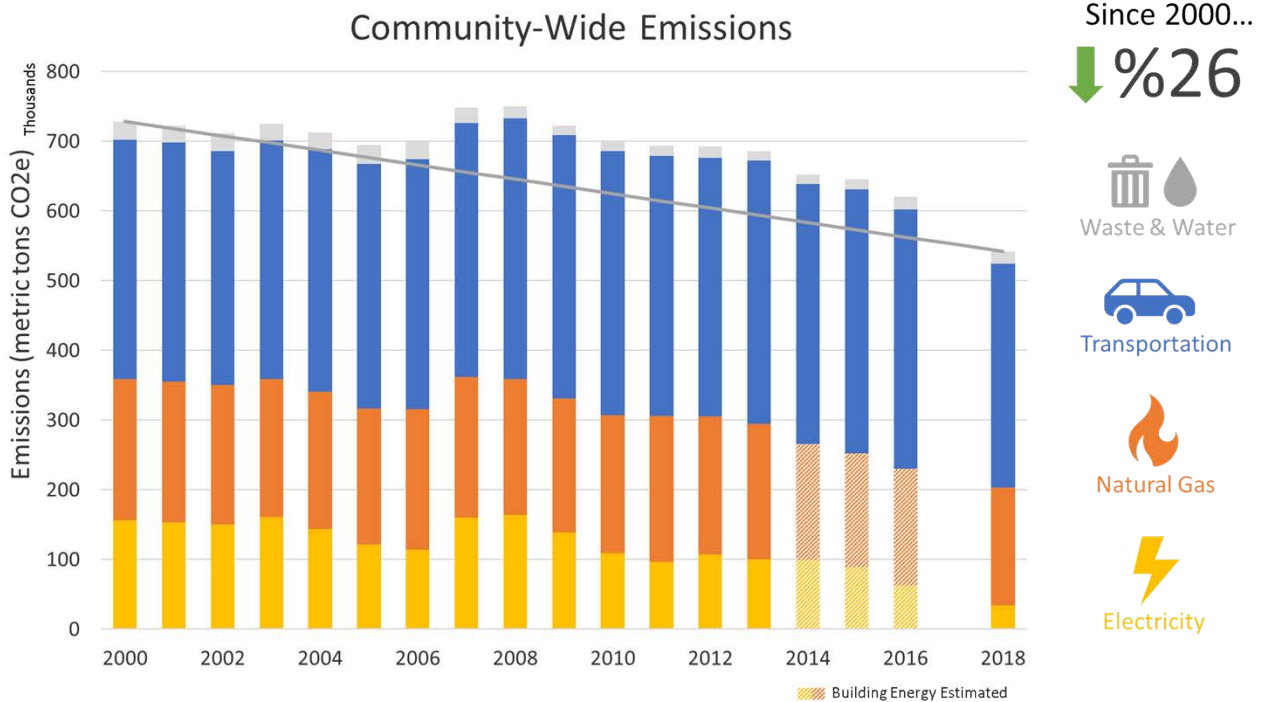


Figure 2: Historic Berkeley emissions inventories back to 2000, broken out into building natural gas and electricity, transportation, and other (water, wastewater treatment, and landfilled solid waste).

Community-wide emissions were 26% below 2000 levels in 2018 even though Berkeley’s population increased approximately 18% and the economy expanded<sup>1</sup> during that same time period.

<sup>1</sup> Staff Report: Berkeley Economic Dashboards, March 26, 2019: [https://www.cityofberkeley.info/uploadedFiles/Manager/Economic\\_Development/2019-03-26%20Item%2026%20Berkeley%20Economic%20Dashboards.pdf](https://www.cityofberkeley.info/uploadedFiles/Manager/Economic_Development/2019-03-26%20Item%2026%20Berkeley%20Economic%20Dashboards.pdf)



|                           | Residential | Commercial / Industrial / Municipal | All Buildings |
|---------------------------|-------------|-------------------------------------|---------------|
| Electricity Usage         | -20%        | -31%                                | -28%          |
| Electricity GHG Emissions | -73%        | -81%                                | -78%          |
| Natural Gas Usage         | -26%        | -2%                                 | -17%          |
| Natural Gas GHG Emissions | -26%        | -4%                                 | -17%          |

*Table 1: Summary of 2018 trend in electricity and natural gas usage within each building sector—compared to 2000 baseline year.*

This is a notable achievement, with reductions resulting from a combination of state, regional, and local efforts including:

- **Cleaner electricity mix:** As seen in Table 1 above, the GHG emissions from electricity have decreased by 78% in all buildings since 2000. This is largely due to the community joining EBCE, as well as State laws like the Renewables Portfolio Standard (RPS) which require utilities to increase the amount of renewable energy on the grid, causing the GHG emissions produced per kilowatt-hour of electricity consumed to decrease. Participation in EBCE, which has half as much carbon in its Bright Choice base product than PG&E’s base product, as well as offering its Brilliant 100 carbon-free and Renewable 100 fully renewable products, has had a significant impact in accelerating the Berkeley community toward emissions-free electricity.
- **Reduction in building energy use:** See Table 1 above for a breakdown of electricity and natural gas reductions in each building sector since 2000. Energy efficiency measures contribute to these savings, including those reached through rebate programs such as Energy Upgrade California, more efficient lighting and appliances, and improved building envelopes. Reducing the energy needs of a building first reduces the cost and feasibility of renewable energy and electrification efforts.
- **Increased rooftop solar:** According to data from the California Solar Initiative, Berkeley businesses and residents collectively installed over 2,618 solar photovoltaic (PV) systems from 2000 to 2018, increasing solar capacity to approximately 10,930 kW AC, providing renewable energy to power buildings and adding any excess clean electricity back into the grid.
- **Water consumption:** The community reduced its water consumption in buildings by 26% between 2000-2018, and a 2% decrease in consumption between 2017 and 2018. Water conservation continues to be critical as the Bay Area is expected to experience further drought in the coming years.
- **Reduction of landfilled waste:** The community has significantly reduced the amount of waste sent to landfills since 2000 through the expansion of recycling and composting services. Further reductions could be achieved through source reduction, preventing waste by reusing items or avoiding disposable, single-use products.

- **Transportation:** Transportation is the largest source of community-wide emissions, and modeled data shows a decrease of 6% from 2000 to 2018. The municipal vehicle fleet decreased emissions by 28% due to cleaner and more efficient vehicles.

In comparison, statewide emissions decreased approximately 10% from 2000<sup>2</sup> to 2017. This however cannot be directly compared to the 26% reduction achieved in Berkeley by 2018, as the City does not have a complete dataset available for 2017, and there were significant GHG reductions in 2018 when it joined EBCE. Statewide emissions reductions are expected to accelerate with the recent passing of SB 350, which sets a goal for 50% of the electricity in California to come from renewable energy by 2030, and doubling the energy efficiency of buildings in the next 15 years.

### **Considerations for tracking progress**

**Natural Gas Emissions:** It is important to note that emissions from natural gas may be much larger than what is depicted in this inventory. According to research conducted by San Francisco Department of the Environment, current emissions methodology may severely underestimate the impact of leakage throughout the entire natural gas system. Not only do natural gas leaks pose a health and safety threat to the community but they also release methane (the main component in natural gas) into the atmosphere, which traps 86 times more heat than carbon dioxide. Natural gas leakage is estimated to be approximately 1.4%, whereas new independent studies average that leakage could be 4.52%, with estimates seen up to 12%.<sup>3</sup> A methodology to integrate this into Berkeley's emissions inventory is not yet available.

**Data Access & Accuracy:** A CPUC ruling regarding data privacy has severely hindered staff's ability to attain accurate and consistent building energy usage data from PG&E for the GHG emissions inventory. The ruling dictates certain thresholds a dataset must meet in order to protect individual customer usage data from being disaggregated from the total. This ruling resulted in an incomplete dataset from PG&E between 2014-2017.

### **Consumption-Based GHG Emissions Inventory**

Although the more traditional emission inventory that Berkeley uses—known as a “production-based” or “sector-based” inventory, like the one described above—lays a foundation for key climate policy and program planning, taking a look at the emissions beyond Berkeley's borders can be beneficial to addressing the climate crisis as a regional or global issue. An individual's impact on the environment does not end at its city's boundaries, but extends to imported and exported goods consumed by that individual. Consumption-based inventories take into account the entire life cycle of a specific product to calculate its GHG emissions. Included are goods and services such as air travel (even if, as for Berkeley, the airport is located outside of a jurisdictional

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<sup>2</sup>California Air Resources Board, GHG Current California Emission Inventory Data: <https://www.arb.ca.gov/cc/inventory/data/data.htm>. Please note methodologies between state, regional, and local emissions inventories may vary slightly.

<sup>3</sup> Methane Math: How Cities Can Rethink Emissions from Natural Gas, San Francisco Department of the Environment (November 2017) <https://sfenvironment.org/download/methane-math-how-cities-can-rethink-emissions-from-natural-gas>

boundary), food, appliances, and construction of buildings. See Figure 3 for a diagram of the relationship between consumption- and sector-based approaches.

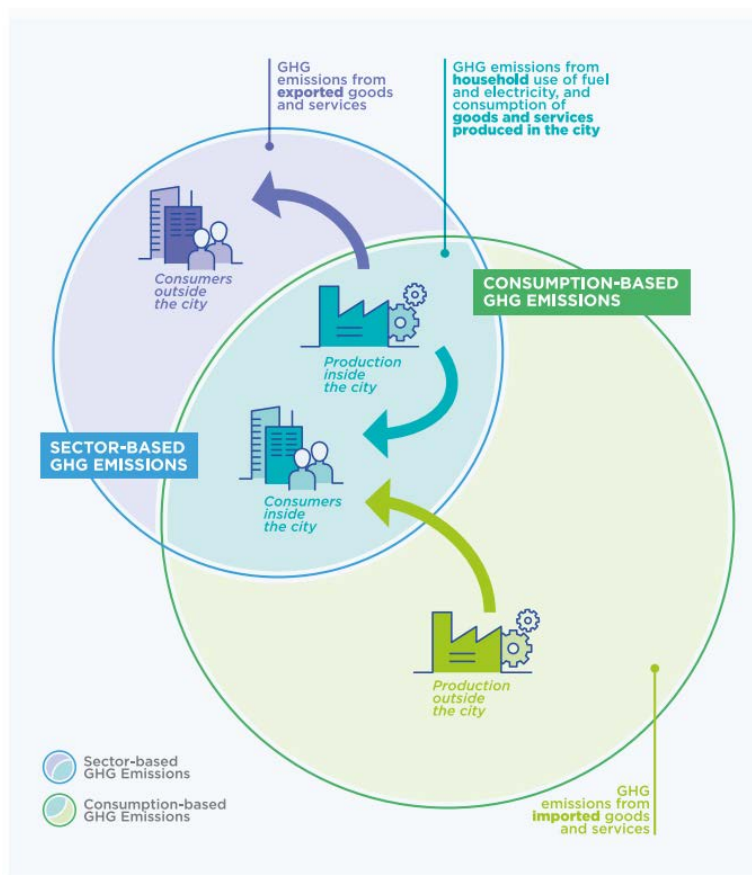


Figure 3: A diagram depicting the relationship between sector- and consumption-based approaches to GHG emissions tracking.<sup>4</sup>

Although this type of inventory would be helpful to track Berkeley’s complete carbon emission profile, capturing this data accurately has been proven very complex. Currently no standardized or accurate methodology across cities has yet been adopted. However, the CoolClimate Network, a research partnership including UC Berkeley, created a consumption-based inventory for every city in the Bay Area using 2013 data.<sup>5</sup> This inventory was presented to Council in December 2018<sup>6</sup>. Though it has not been updated, the 2013 data showed that Berkeley has a relatively low carbon footprint per household, in comparison with other Alameda County cities. This could be due to Berkeley’s denser housing, transit service, and biking and pedestrian infrastructure.

<sup>4</sup> C40 Cities, Consumption-Based GHG Emissions of C40 Cities. <https://www.c40.org/researches/consumption-based-emissions>

<sup>5</sup> Bay Area Air Quality Management District, Consumption-Based GHG Emissions Inventory: <https://www.baaqmd.gov/about-air-quality/research-and-data/emission-inventory/consumption-based-ghg-emissions-inventory>

<sup>6</sup> CAP Report Update to City Council, December 18, 2018: <https://www.cityofberkeley.info/recordsonline/api/Document/AS1qYEO88qcY6ips8nwbGgL4jGxxlSquza3ESIDOTS6DL2nWl1jPxzLJVhyvQgYDIiKpuJddT3oigVB31dHEfM%3D/>

Due to overlapping categories with the sector-based approach (shown in Figure 3), this consumption-based inventory cannot be added directly into Berkeley’s sector-based inventory. However, analyzing both inventories separately paints a more complete picture of how Berkeley residents and businesses, as global consumers, can address their carbon footprint. The outcome of the consumption-based study can be found in the last CAP Update Report to Council, as well as on an interactive online SF Bay Area Carbon Footprint Map<sup>7</sup>, where specific sectors can be isolated and compared across Berkeley zip codes.

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<sup>7</sup> Bay Area Air Quality District, SF Bay Area Carbon Footprint Map.  
<https://baaqmd.maps.arcgis.com/apps/MapSeries/index.html?appid=94b9eff6547f459fba27a6853327e1a2>

## Attachment 2 – Municipal Facility Update

Staff continues to make improvements in municipal facilities to increase energy efficiency, lower energy costs, reduce greenhouse gas (GHG) emissions, and transition buildings toward being all-electric powered by clean electricity. Municipal buildings purchase emissions-free electricity, the Brilliant 100 product from East Bay Community Energy.

### Electrification Retrofits of Municipal Buildings

Several buildings undergoing construction include plans to advance electrification, including:

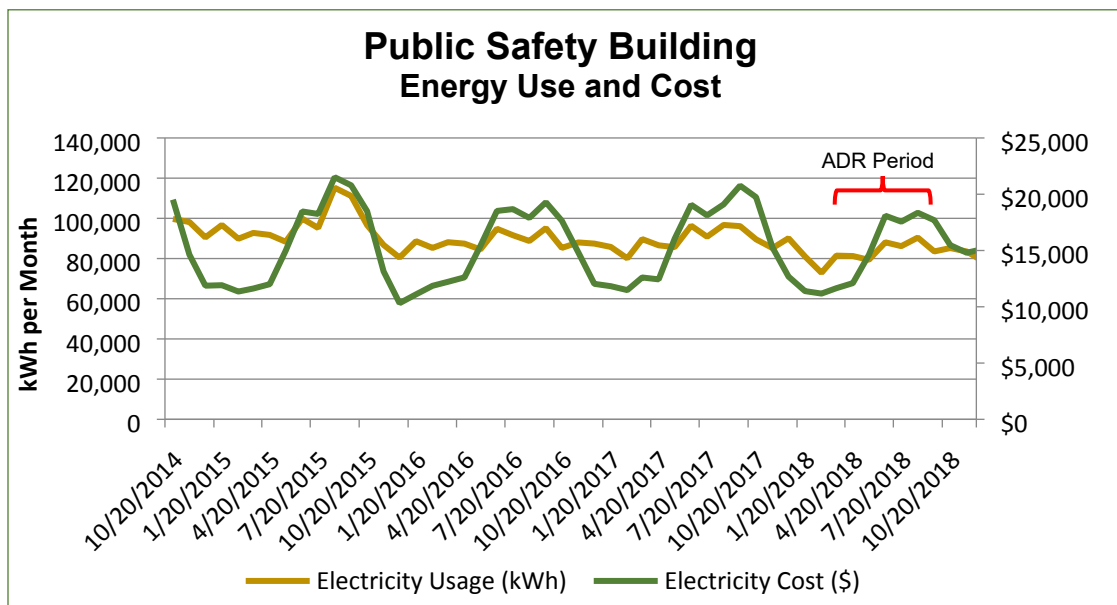
- **The Mental Health Clinic** is being retrofitted as a zero-emissions building and will have no gas meter on site. Using a grant from the Berkeley Lab, the historic building includes passive daylighting, saving on electric lighting, and will use high efficiency electric heat pumps for space heating, cooling and ventilation. Water heating and other appliances are all electric. This building will have a formal case study done, as the Berkeley Lab grant includes energy monitoring of all systems. The building is scheduled for completion in October 2020.
- **Live Oak Recreation Center** is also currently under construction. This will be a nearly all-electric building, with heat pumps providing space heating and cooling and water heating. Supplementing the heat pumps will be a number of ceiling fans in the social hall, art room, and other activity rooms, to facilitate cooling and help prevent air stagnation. The kitchen will have an electric induction range. The roof and electrical system will be solar PV-ready, but funding has not been identified for a solar installation. The gas furnace in the theater will be the only fossil-fuel component remaining. The building is scheduled for completion in October 2020.
- **North Berkeley Senior Center** is currently undergoing a major seismic improvement renovation, which has been expanded to include the electrification of a number of the building's energy systems. These will include replacing the three boilers which provided forced hot water heating, with new high efficiency electric heat pumps, and solar PV to help offset the additional electric load. The solar inverter is "battery-ready", so that if a future battery system can be installed, it could provide both emergency power and will be able to operate from the battery at times of day when energy is most expensive. The building also received high efficiency double paned insulated windows and new wall and attic insulation, which will reduce the overall heating and cooling loads. At this time, the building will still have a natural gas range and oven, and there is no funding identified for battery storage. The building is planned for completion in November 2020.

### Other Energy Efficiency, Emissions Reduction and Cost Savings Projects

In the past 2 years, the City implemented several projects to improve energy efficiency, reduce peak electricity use and reduce GHGs.

- **Automated Demand Response (ADR)** programs aim to reduce electricity during times of peak demand, when electricity has the highest cost and GHG emissions. These projects were implemented at the Public Safety Building and the James Kenney Recreation Center, because the energy management software at each site was compatible. The Public Safety Building saved 42,400 kWh, or about \$11,000 in air conditioning costs as shown below:

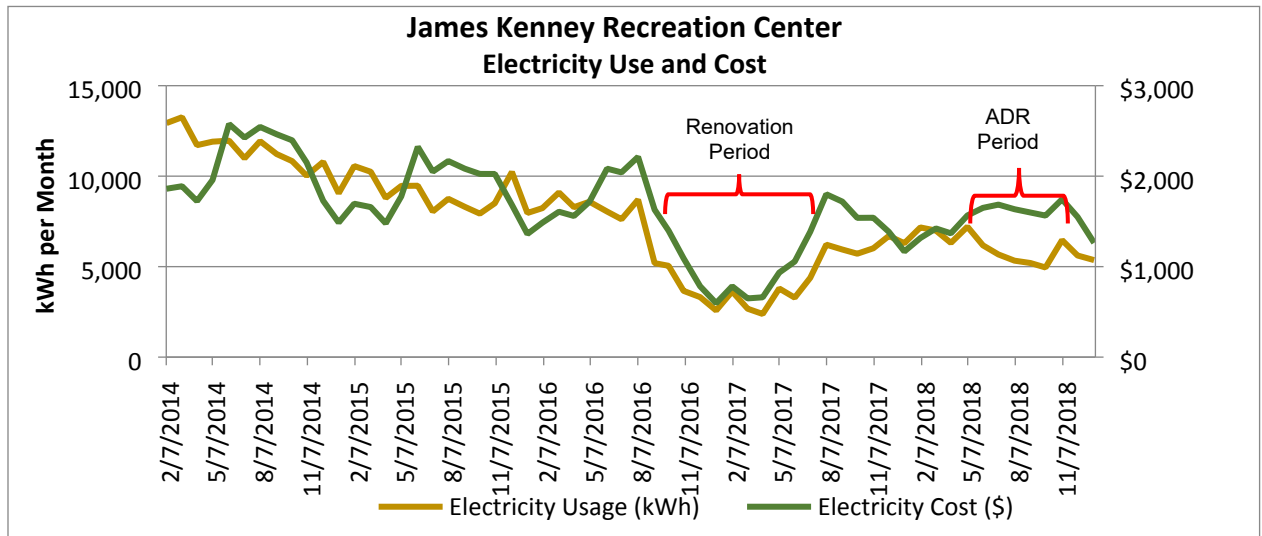
Figure 1- Public Safety Building Energy Use and Cost



The Public Safety Building also underwent a complete lighting upgrade to high efficiency LEDs. This project was completed in 2019 and was the City’s first On-Bill Financing project. The total cost was \$250,000, with zero up-front costs from the City of Berkeley. These projects were funded through a PG&E program that provides immediate payment to the energy contractors, and allow the City to repay the loan on its monthly utility bill. The loan payment is roughly equal to the energy cost savings, resulting in no cost increase for the City, while reducing energy use and GHG emissions.

James Kenney Recreation Center had proportionally similar results with its Automated Demand Response lighting project, saving nearly 4,500 kWh, and about \$4,000. Note that the energy and cost comparisons were made to 2016 energy use, since the building was under renovation in 2017.

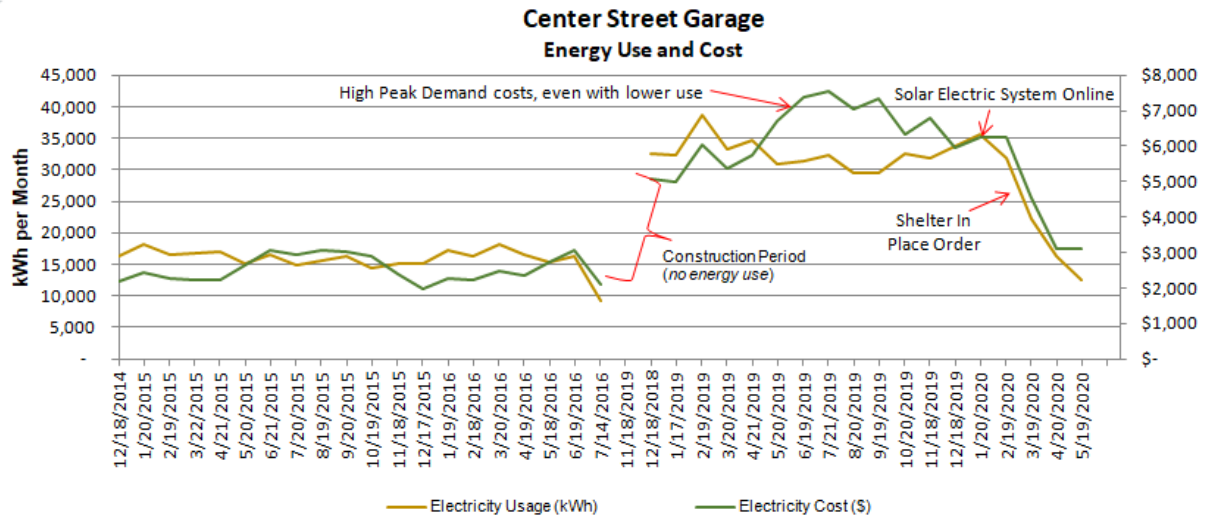
Figure 2 – James Kenney Recreation Center Electricity Use and Cost



- On-site Solar PV** at the Center Street Garage was completely rebuilt beginning mid-2016, re-opening in November 2018. The new garage is 300% larger, initially had 20 electric vehicle charging ports, and now has 57. This explains the significant jump in overall costs and use, but there is a similar gain in revenue to help offset this increased cost of operations. The solar PV system was installed last, and due to commissioning and testing, did not come online until January 2020. The effects were immediate, reducing energy costs and energy use.

Note that before the solar came online, the demand energy cost was comparatively high (green line, below), even though the actual energy consumed was low. High demand was due to the EV charging stations, which were in use at times of day when energy costs are the highest.

Figure 3 - Center Street Garage Energy Use and Cost



- Future Projects** will be developed as energy efficiency and electrification assessments are completed for buildings, including the Spring Animal Shelter, South Berkeley Senior Center, the Central Library, and the South Berkeley Branch Library. Once these assessments have been completed, the goal is to use On Bill Financing to make energy improvements, including LED lighting, heating, cooling or ventilation improvements. Efficiency in these systems is a fast and efficient way to reduce costs and GHG emissions.



## UC Berkeley: 2018-2019

UC Berkeley finished its first-ever complete submission for the Sustainability Tracking, Rating and Assessment System, or STARS, earning a high Gold rating with 78.5 points. That result placed UC Berkeley 11th out of 349 colleges and universities having completed a full STARS assessment. The campus's top-ranked environmental sciences programs helped UC Berkeley earn top-notch STARS scores for its sustainability-themed undergraduate and graduate programs and sustainability-focused research. UC Berkeley also earned perfect scores in fields that measure diversity and equity in the campus community. The STARS rating additionally earned UC Berkeley a coveted spot among the top 20 greenest universities, according to the Sierra Club and the Princeton Review.

The popular Cool Campus Challenge returned to UC in April 2019, and UC Berkeley took the overall honor as the Coolest UC, achieving the most carbon-saving points of any UC campus or medical center. Engaging more than 4,200 participants, or 7.5 percent of the campus, UC Berkeley is saving tons of carbon dioxide from participants' actions, equivalent to taking 500 cars off the road for an entire year. Also in support of carbon reduction action, UC Berkeley's chancellor, in coordination

with students, signed a memorandum of understanding committing the Berkeley campus to 100 percent clean, renewable energy by 2050.

Berkeley received five best practice awards at the annual California Higher Education Sustainability Conference. UC Berkeley's efforts on zero waste curriculum and operations, environmental justice, toxin reduction and climate action took the honors. The awards highlight the breadth, depth and leadership in sustainability the campus both values and excels in.

UC Berkeley's newest building, the Connie and Kevin Chou Hall at Haas School of Business, is now one of the greenest academic buildings ever. It has earned a trifecta of green building certifications. The building achieved TRUE Zero Waste certification at the highest possible level, along with LEED Platinum Certification for its architectural design, construction and energy efficiency. Most recently it became the campus's first WELL certified space at the Silver level. With no landfill bins in the building, a team of staff and students is working to phase out single-use, disposable materials in favor of reusable containers and supplies, and the building's on-site food vendor adheres to zero waste practices.

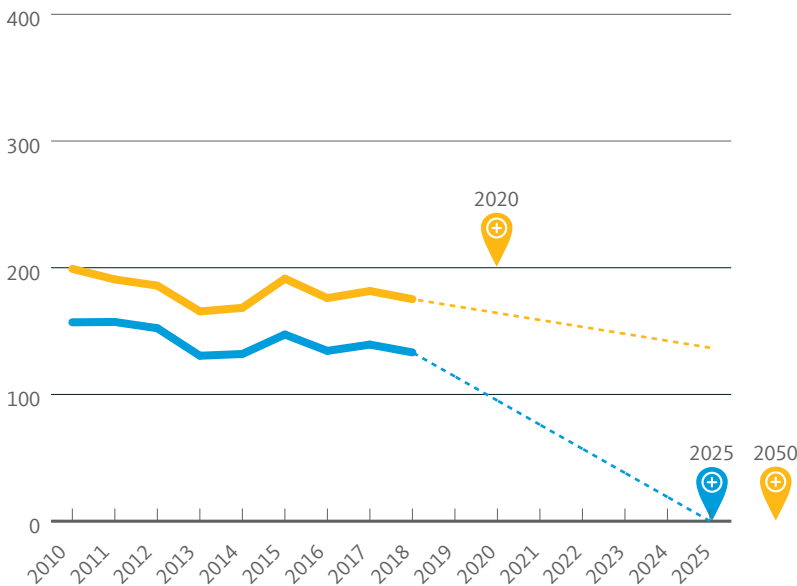


Credit: Elena Zhukova

# UC Berkeley, By the Numbers 2018

## GREENHOUSE GAS EMISSIONS

(1,000 metric tons CO<sub>2</sub>e)



- Scopes 1 (natural gas, campus fleet, fugitive) + 2 (purchased electricity)
- Scopes 1, 2 + 3 (campus commute, business air travel)

### Goals:

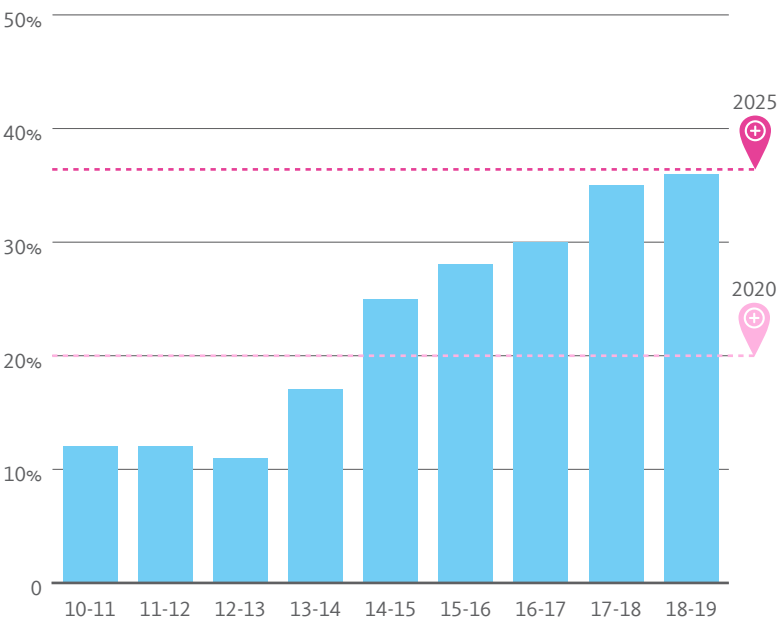
- 1990 levels by 2020 (scopes 1, 2 + 3)
- Carbon neutral by 2025 (scopes 1 + 2)
- Carbon neutral by 2050 (scopes 1, 2 + 3)

### Progress:

- 2020 goal met

## WATER

(Percent reduction in per capita potable water consumption)



### Goal:

- 20% reduction from baseline in per capita potable water use by 2020 and 36% reduction from baseline in per capita potable water use by 2025

### Progress:

- 2020 goal met
- 2025 goal met

**2018-19 gallons per capita: 13,185**

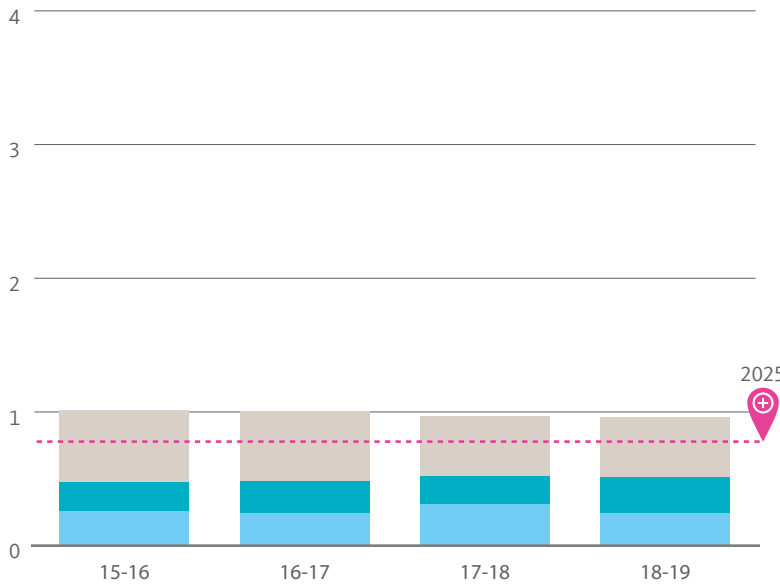
# UC Berkeley, By the Numbers 2018

## WASTE

(Daily per capita waste generation in pounds)



- Recycle
- Organics
- Landfill

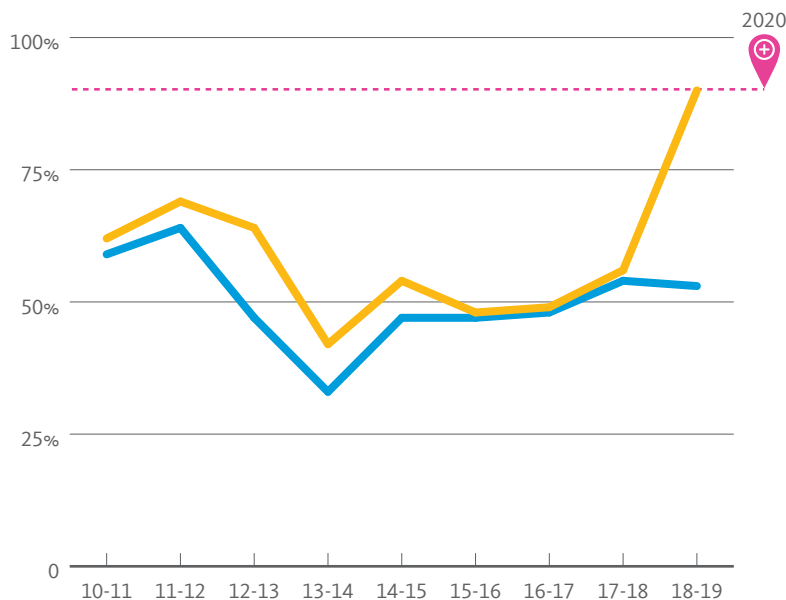


### Goals:

- Reduce waste generation per capita to FY 2015-16 levels by 2020, 25 percent below FY 2015-16 levels by 2025, and 50 percent below FY 2015-16 levels by 2030
- Zero waste by 2020

(Diversion rate)

- Diversion Rate (C&D + MSW)
- Diversion Rate (MSW)



# UC Berkeley, By the Numbers 2018

## FOOD



### Goal:

- 20% of food service spend to be from sustainable products by 2020

### Progress:

**Residential:** 28%

**Retail:** 14%

UC Berkeley has met the 2020 goal for residential sustainable food service spend.

## PROCUREMENT



### Goal:

- 25% green spend as a total percentage of spend per product category

### Progress:

**Cleaning supplies:** 85%

UC Berkeley has met the green spend goal for cleaning supplies.

## TRANSPORTATION



### Goals:

- 50% of all new light-duty fleet vehicles purchased at each campus will be zero-emission or hybrid by 2025
- Reduce SOV commute rate to no more than 40% of employees and no more than 30% of all employees and students by 2050. (In other words, 60% of employees and 70% of employees and students will use alternative commute modes to get to campus)

### Progress:

**Percent of all new light-duty fleet vehicles zero-emission or hybrid:** 25%

**Alternative commute rate:**

**Employee:** 62%

**Overall:** 83%

UC Berkeley has met the employee and overall alternate commute goal.

## GREEN BUILDING



### Goals:

- LEED Silver minimum for all new construction
- Certify at least one LEED EBOM project on each campus

### Progress:

**UC Berkeley added one new LEED Silver building in 2019 to total:**

**Platinum:** 2

**Gold:** 12

**Silver:** 7

**Certified:** 1

This list includes the Connie and Kevin Chou Hall (LEED Platinum in 2018) and the David Blackwell Residence Hall (LEED Gold in 2018).

**Number of LEED EBOM projects:** 0

## SUSTAINABLE BUILDING OPERATIONS AND LABS



### Goal:

- Assess three research labs

### Progress:

**Number of assessed research labs:** 18

UC Berkeley has met the sustainable research lab assessment.

# 2020 Berkeley Lab Greenhouse Gas Emissions Summary for the City of Berkeley

## Sustainability Goals

Berkeley Lab pursues three broad initiatives to reach sustainability goals. These initiatives, listed below, are described in greater detail at [sbl.lbl.gov](http://sbl.lbl.gov).

- Climate: Improving buildings, greening the energy grid, and low-carbon commutes
- Waste: Rethinking waste through composting, recycling, and smart purchasing
- Water: Upgrading fixtures, stopping leaks, and encouraging conservation

Our sustainability goals are driven by requirements of the federal government, California state law, and University of California policy. These goals are continuously updated and summarized [here](#). The primary sustainability goals include:

- **Efficiency and Climate**
  - Improve energy efficiency 2% annually
  - Reduce overall GHG emissions 30% by 2025 (2015 baseline)
  - Procure or produce at least 7.5% of electricity use from renewable sources
- **New Construction**
  - Limit new construction energy use to 35%-50% of an existing building baseline
  - Outperform energy code by 30%
  - Eliminate on-site fossil fuel use in new construction by 2020
  - Meet additional requirements in the [Berkeley Lab Sustainability Standards for New Construction](#)
- **Waste Minimization**
  - Achieve Zero Waste by 2020 (>90% waste diversion)
  - Reduce solid waste per capita 50% by 2030
- **Water Conservation**
  - Reduce per capita water consumption 36% by 2025 (2007 baseline)

## Strategies

The Lab's key current sustainability strategies include:

- **BUILDINGS**: Improve efficiency, enhance performance, and eliminate GHG impacts
- **RENEWABLE ENERGY**: Decarbonize our energy supply, develop local generation and storage
- **FOOD AND ORGANICS**: Minimize the impacts of our food choices
- **MATERIALS**: Create the building blocks of a circular materials economy
- **TRANSPORTATION**: Electrify and lower impacts from commute choices
- **WATER**: Waste less water
- **AIR QUALITY AND HEALTH**: Reduce pollution and improve health

## Greenhouse Gas Emissions

Total Berkeley Lab greenhouse gas emissions for fiscal year 2019 (ending September 2019) were 54,864 MTCO<sub>2</sub>e. These emissions are 29% below 2008 levels and 20% below 2015 levels. Emissions are updated annually in December and shared in the data section of the Sustainable Berkeley Lab website (see [sbl.lbl.gov/data](http://sbl.lbl.gov/data).) These emissions are reported according to a federal greenhouse gas reporting protocol and include Scope 1 direct emissions from onsite combustion of fuels and emissions of gases used for refrigeration and scientific research, Scope 2 indirect emissions from purchased electricity, as well as Scope 3 indirect emissions from employee commuting, business air and ground travel, electricity transmission and distribution, off-site wastewater treatment, and off-site municipal solid waste disposal.

## Sustainability Metrics

As of spring 2020, Berkeley Lab is maintaining an annual energy savings portfolio of 13.0 million kWh and water savings of 20 million gallons. This is equivalent to the energy generation from an 8.4 MW photovoltaic array, which would occupy 25 football fields or 33 acres. Other key sustainability performance metrics for the Lab, as of October 1, 2019 include:

- Lab-wide energy use intensity (weather-corrected energy consumption divided by square footage) has improved 14% since FY 2015. See Change in Energy Use Intensity and Consumption from Baseline at [sbl.lbl.gov/data](http://sbl.lbl.gov/data) for more detail.
- The Lab has made particular progress in reducing natural gas consumption. Lab-wide weather-corrected natural gas consumption as of October 2019 is 13% lower than in FY 2015.
- 21% of electricity use (and 16% of all energy use) is procured or generated from renewable sources (beyond the renewables included in the grid power mix).
- Waste diversion is at 75% (see [chart](#)), and diversion from construction and demolition projects is at 84%.
- Water use intensity is 16% below 2007 levels (see [chart](#)).

## Awards

The Lab's sustainability efforts were recognized by five awards since our last report to the Council.

- The Lab was awarded a 2020 Best Practice Award in Overall Sustainable Design for the newly completed Integrative Genomics Building. The award will be presented by the California Higher Education Sustainability Conference in July.
- The Lab won a [2019 Department of Energy Sustainability Award](#) - Outstanding Sustainability Program or Project for its policy on [Sustainability Standards for New Construction](#).
- The Lab received a [2019 Best Practice Award](#) from the California Higher Education Sustainability Conference for advanced use of SkySpark (a building analytics platform) to support the ongoing commissioning (OCx) process.





- The Lab received a 2019 “Accelerating Smart Labs” Project Award from the Department of Energy, on behalf of the Better Buildings Smart Lab Accelerator. The award recognizes the Lab’s innovative approach to generate energy and water savings through continual improvement in building operations, what the Lab calls an ongoing commissioning (OCx) process.
- The Lab received a [2019 EPEAT Purchaser Award](#) from the Green Electronics Council. The award recognizes the Lab’s efforts to purchase sustainable Information Technology (IT) products. Berkeley Lab is one of eight organizations that achieved the Five-Star level, and one of 59 organizations that received an EPEAT Purchaser Award.

## Highlights

Recent highlights are summarized below.

### CLIMATE

#### Energy Information and Management

- **Energy and Water Savings in High Performance Computing:** The Lab has continued work with its high-performance computing center (known as NERSC) to protect savings and strengthen monitoring capabilities. The Lab verified annual maintained savings of over 1.8 million kWh at NERSC - approximately 37% of the baseline “non-compute” electricity use - and over 500,000 gallons of water. See details on the NERSC Efficiency Optimization at [sbl.lbl.gov/progress](http://sbl.lbl.gov/progress).
- **Efficiency Improvements in Berkeley Labs Computing Center:** The power utilization effectiveness (or PUE, a measure of the non-compute load as a percentage of the total data center load) at the Lab’s Berkeley Research Computing Center has been reduced from an average of 1.45 to 1.37 in the last year. This means that the “overhead” energy use of the facility was reduced by 18%. These savings have been generated by decommissioning computer room air conditioning (CRAC) units in favor of rear door heat exchangers at each rack.
- **Site-Wide Exterior Lighting:** The Lab continues efforts to modernize exterior lighting on its Hill campus. See a Lighting Modernization project overview at [sbl.lbl.gov/progress](http://sbl.lbl.gov/progress). A retrofit of fixtures in the building 50 garage completed in early FY 2019 resulted in 95 percent energy savings and higher quality lighting.
- **ISO 50001 Implementation:** The Lab has completed a two-year project to align energy and water management



activities to ISO 50001, an international energy management standard. ISO 50001 alignment is a key strategy to ensure that energy and water management at the Lab is strategic, effective, and persistent. The primary project deliverable is an online [Energy and Water Management System Manual](#). A new energy and water management policy has also been finalized to support ISO 50001 certification. ISO 50001 efforts have been coordinated closely with the Lab’s Energy Technologies Area, which was instrumental in developing the standard.

## Green Building

- **Updated Sustainability Standards for New Construction:** The Lab updated its policy on [Sustainability Standards for New Construction](#) in April 2019.
- **High Performance New Construction:** The Integrated Genomics Building was occupied in November 2019 and is designed to meet deep energy efficiency targets (consuming 36% of the energy used by the prior facility in Walnut Creek), use no natural gas, and offset about 15% of its total energy use with rooftop photovoltaics. See more details about the Integrative Genomics Building (IGB) Design at [sbl.lbl.gov/progress](http://sbl.lbl.gov/progress). Photovoltaic panels are planned for future installation.

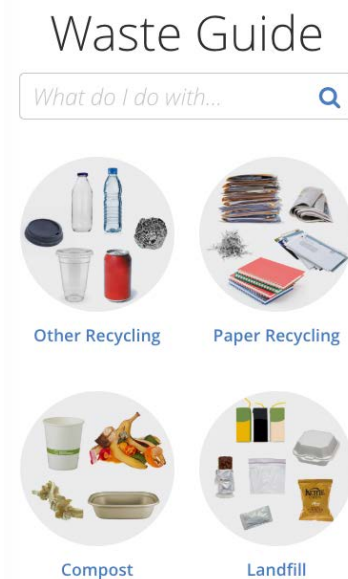


## Transportation

- **Increased Electric Vehicle Charging:** The Lab increased the size of its charging community by about 28% in FY 2019 to (from 145 to 171). Approximately 95 EV drivers are charging regularly each month at the Lab’s main site. Details about the Staff EV Charging Program are available at [sbl.lbl.gov/progress](http://sbl.lbl.gov/progress).
- **Improved Shuttle Routes:** In November 2018, the Lab introduced a new shuttle route serving north Berkeley, intended to reduce single-occupancy vehicle trips and avoid the need for 75 parking spaces at the Lab’s main site. The Lab continues to optimize shuttle routes from the Rockridge BART station, which were expanded in September 2018. As of October 2019, the Lab also updated its NextBus Alert system, which allows riders on all shuttle routes to be notified when the next shuttle is arriving at a stop.

## WASTE

- **Online Waste Guide:** The Lab has continued hosting an online Waste Guide ([wasteguide.lbl.gov](http://wasteguide.lbl.gov)) to educate the Lab community on how to reduce, reuse, and recycle more than 250 items. The Guide has been very useful and popular. It





indicates how to dispose of items and provides additional details about what happens after items are put in the bin.

- **Site-Wide Waste Audits:** The Lab has maintained its site-wide waste audit system to track building-level diversion and identify the composition of waste streams in order to better target diversion efforts. Explore Waste Diversion by Building at [sbl.lbl.gov/data](http://sbl.lbl.gov/data) and read about the Lab’s data-driven waste diversion efforts at [sbl.lbl.gov/progress](http://sbl.lbl.gov/progress).
- **IGB Pioneers as First Zero Waste Building:** IGB has demonstrated leadership by committing to be the Lab’s first building to go “zero waste,” with updated infrastructure to reach and sustain greater than 90% waste diversion.
- **New Policies for Zero Waste and Waste Reduction:** New policies were finalized this year to clarify roles and responsibilities related to achieving zero waste (greater than 90% diversion).

## WATER

- **New Water Policies:** Three policies were finalized this year intended to reduce water consumption. These include policies defining limitations for landscape watering, for water-conserving restroom fixtures, and to eliminate water waste associated with single-pass cooling. Single-pass cooling refers to the use of a cold water supply as a source of cooling in which water is run through a piece of laboratory or building cooling system equipment to a drain.

**ATTACHMENT 4: Sustainability Community Outreach Events  
February 2019 – February 2020**

| DATE     | EVENT                                                                                              | ATTENDEES* | PARTNERS**                                                                             |
|----------|----------------------------------------------------------------------------------------------------|------------|----------------------------------------------------------------------------------------|
| 2/1/19   | <b>Equity &amp; Adaption Training</b>                                                              | 48         | Urban Sustainability Directors Network (USDN), Movement Strategy Center, Rami & Assoc. |
| 2/7/19   | <b>East Bay Electrification Expo</b>                                                               | 280        | Ecology Center, StopWaste                                                              |
| 3/15/19  | <b>Electric Mobility Stakeholder Workshop</b>                                                      | 50         |                                                                                        |
| 3/19/19  | <b>Senior Center East Bay Community Energy (EBCE) Outreach</b> (tabling)                           |            |                                                                                        |
| 3/26/19  | <b>Bay Area Multifamily Building Enhancements (BAMBE) Multi-Family Workshop - large properties</b> | 34         | StopWaste                                                                              |
| 3/26/19  | <b>BAMBE Multi-Family Workshop - small properties</b>                                              | 25         | StopWaste                                                                              |
| 4/8/19   | <b>Senior Center EBCE Outreach</b> (tabling + presentation)                                        | 20         |                                                                                        |
| 5/4/19   | <b>Energy Town Hall</b> (tabling + presentation)                                                   | 40         | Hosted by: Councilmembers Harrison & Bartlett                                          |
| 6/23/19  | <b>Electric Cars 101 Workshop</b>                                                                  | 30         | Ecology Center, 350 Bay Area                                                           |
| 6/25/19  | <b>Electric Cars 101 Workshop</b>                                                                  | 30         | Ecology Center, 350 Bay Area                                                           |
| 6/29/19  | <b>Making a Healthier Home Workshop</b>                                                            | 30         | Ecology Center, StopWaste                                                              |
| 8/22/19  | <b>Clean Transportation Convening</b>                                                              | 135        | Berkeley Climate Action Coalition (BCAC), Ecology Center                               |
| 9/14/19  | <b>3rd Annual Ride Electric</b>                                                                    | 300-500    | Ecology Center                                                                         |
| 10/15/19 | <b>2019 SunShares Workshop</b>                                                                     | 50         | Ecology Center                                                                         |
| 10/16/19 | <b>Planning Department Open House</b> (tabling)                                                    | n/a        |                                                                                        |
| 10/20/19 | <b>City of Berkeley Open House</b> (tabling)                                                       | n/a        | Hosted by: City Manager                                                                |
| 11/5/19  | <b>Get Ready for 2020: Electrification for Home Builders &amp; Designers Workshop</b>              | 98         | BCAC, Ecology Center, StopWaste                                                        |
| 11/9/19  | <b>Awakening the Dreamer Symposium</b> (tabling)                                                   |            | Hosted by: Unitarian Universalist Church, Pachamama Alliance                           |
| 11/17/19 | <b>Making a Healthier Home Workshop</b>                                                            | 75         | StopWaste, City of Albany                                                              |
| 1/21/20  | <b>Citizen's Climate Lobby (CCL): Climate Restoration - We Are Not Doomed!</b> (tabling)           | n/a        | Hosted by CCL: BCAC + multiple community partners                                      |
| 2/26/20  | <b>Bridge Association of Realtors: Electrification 101 for Realtors Workshop</b>                   | 63         | Hosted by: Bridge Association of Realtors                                              |

\*Total attendees (participants, staff & presenters) for workshops only.

\*\*Unless noted, OESD was either the lead entity or a co-host of events. At events hosted by another organization or City department, OESD participated by tabling and/or presenting.



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# March 2021 Network Call

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# Welcome

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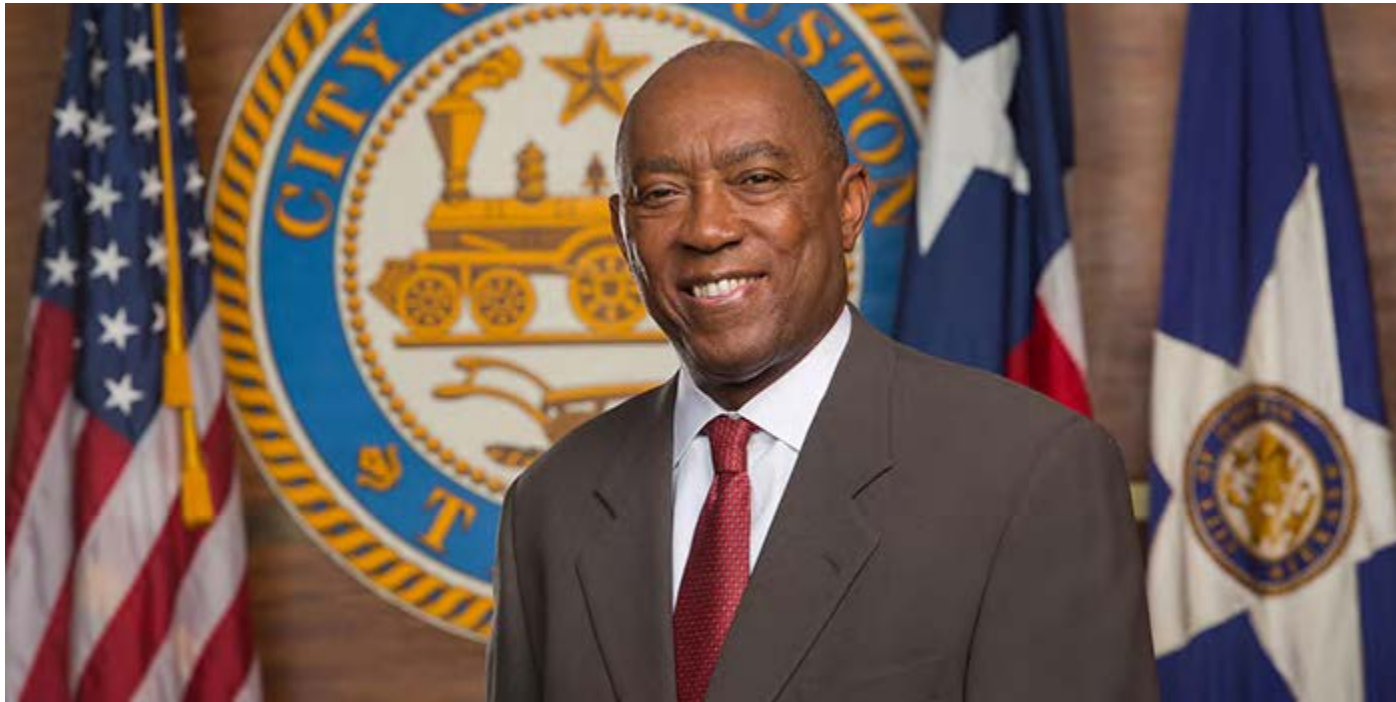
- Leading today's call is James Ritchotte, Climate Mayors Director
- Any technical problems or questions during today's call, please email Rupal Prasad at USDN: [rupalprasad@usdn.org](mailto:rupalprasad@usdn.org)

# Agenda: March 9, 2021

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- I. Welcome
- II. Mayor's Moment – Mayor Sylvester Turner, City of Houston, TX
- III. Cities Race to Zero – Laura Jay, Regional Director for North America, C40
- IV. Climate Mayors EV Purchasing Collaborative
- V. Policy and Organizational Update

# Mayor's Moment – Sylvester Turner, City of Houston, TX





# CITIES RACE TO ZERO

## DRIVING A GREEN AND JUST RECOVERY IN 1000 CITIES



© Henning Witze





## COP26

**November 1-12, 2021**  
**Glasgow, Scotland**

The most important milestone since the adoption of the Paris Agreement: for the first time nations are expected to present new and enhanced pledges showing how they will reach net-zero emissions by 2050.



# EVERYONE has a role to play

*“Every country, city, financial institution and company should adopt plans for transitioning to net zero emissions by 2050 and take decisive action now to put themselves on the right path towards achieving this vision”.*

**Antonio Guterres, Secretary General of the United Nations,**  
“State of the Planet” speech, 2/12/2020



# CITIES RACE TO ZERO

Official partner for cities into the global Race to Zero campaign run by the UNFCCC.

Race to Zero rallies cities, regions, businesses, and investors committed to the 1.5°C goal of the Paris Agreement and to achieving net zero emissions by 2050 at the very latest.



To join go to [www.citiesracetozero.org](http://www.citiesracetozero.org) and sign the **Cities Race to Zero pledge**.



*“As the first generation of leaders to recognize the scale of the impending climate crisis and the last generation to be able to prevent it, I invite you to join the **Cities Race to Zero**”.*

**Eric Garcetti, Mayor of Los Angeles,**  
Friend of COP26 & C40 Chair





# WHY US CITIES SHOULD JOIN THE RACE

It is critical for US cities be at the table as the Biden Administration implements its climate ambitions.

By aligning city efforts with the science and likely targets of the Biden Administration, cities stand to directly benefit from policies and programs that will implement these targets and bolster equity and generate good paying jobs

# Who is already in the Race?



**452**  
Cities



**45**  
Investors



**549**  
Universities



**22**  
Regions



**7%**  
Global CO2 emissions



**0.62**  
Billion people



**12%**  
Global economy US\$9.81  
trillion in revenue

# MEDIA COVERAGE

**2.8 million** readership of outlets which published articles on Race to Zero launch



**'Race to Zero': Businesses, cities and investors join forces in UN-backed net zero emissions campaign**

The Telegraph

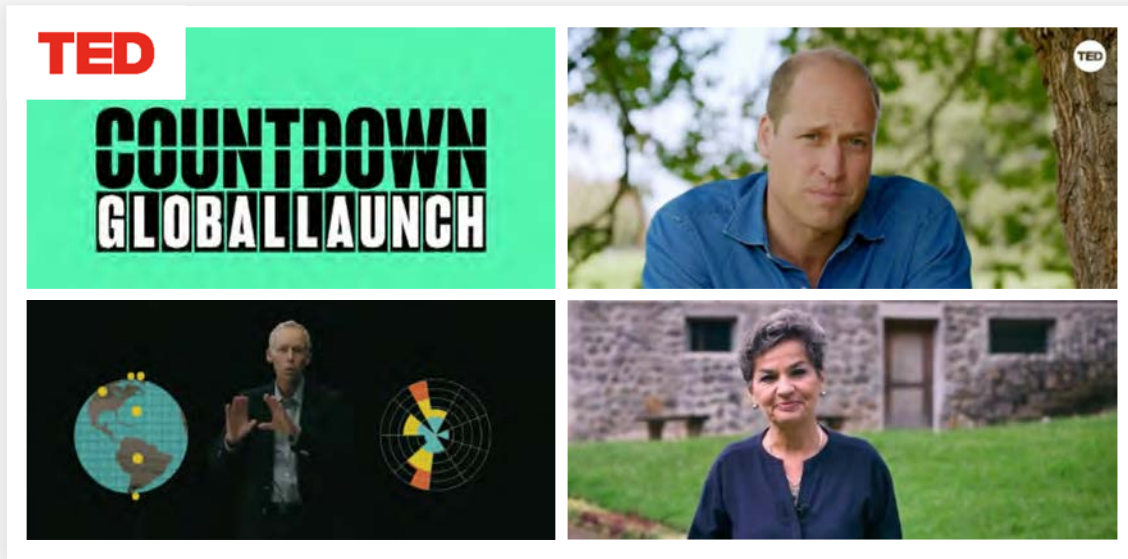
**Together, for a cleaner world**

edie

**Race to Zero: COP26 campaign launched to push nations towards net-zero targets**



**UN launches push for net-zero emissions by 2050**



BusinessGreen

**Starting gun fired for UN-backed 'Race to Zero' campaign**

CURRENT ±

**UNFCCC Race to Zero campaign pushes for net zero coalition of global actors**





**OBJECTIVE:**  
**1000 CITIES**  
**JOIN CITIES**  
**RACE TO ZERO**

# Cities Race to Zero pledge:

## 5 REQUIREMENTS

### 01

**Endorse** the following principles:

- We recognize the global climate emergency.
- We are committed to keeping global heating below the 1.5°C goal of the Paris Agreement.
- We are committed to putting inclusive climate action at the center of all urban decision-making, to create thriving and equitable communities for everyone.
- We invite our partners – political leaders, CEOs, trade unions, investors, and civil society – to join us in recognizing the global climate emergency and help us deliver on science-based action to overcome it.

### 02

**Pledge** to reach net-zero in the 2040s or by mid-century at the latest and limit warming to 1.5°C.

### 03

**Plan** to set an interim 2030 target consistent with a fair share of 50% global emission reductions.

### 04

**Proceed** to planning at least one inclusive climate action, e.g. Procure only zero emission buses from 2025.

### 05

**Publish** your target and action to your usual reporting platform and report progress annually.

# WHY **join?**

---

**01**

**Increase your city's efforts** to address equity, climate, economic recovery and job growth

---

**03**

**Demonstrate your city's leadership** in this global movement and at the biggest climate event of the decade

**02**

**Align your city's climate actions** with what science requires to meet the Paris Agreement

---

**04**

**Access global media platforms** to tell stories of what climate action means in your local community to a global audience



# JOINING: step-by-step



**01**

**Go to the Cities  
Race to Zero portal**

[www.citiesracetozero.org](http://www.citiesracetozero.org)



**02**

**Click on Join  
Cities Race to Zero**

You're starting the pledging  
process



**03**

**Carefully read the Cities  
Race to Zero pledge**

Make sure you understand  
the 5 pledge requirements

# JOINING: step-by-step



**04**

## Select where you will be reporting your target and action commitment

CDP-ICLEI Unified Reporting System and MyCovenant are recognized platforms of Cities Race to Zero. If you do not currently report, please say so on the form!



**05**

## Commit to at least one action

There are over 50 high-impact inclusive actions that could set your city on the path to a green and just recovery and 1.5°C.



**06**

## Sign and submit the Cities Race to Zero pledge

Only a mayor, council leader or equivalent can sign (or personnel authorized on their behalf). You are now committed to delivering all 5 Cities Race to Zero requirements.

# Race to Resilience

This sister campaign is designed to put people and nature first in pursuit of a resilient world.

The objective of Race to Resilience is to build the resilience of 4 billion people from vulnerable groups and communities.

Cities can join Race to Resilience at the same time as Cities Race to Zero on [www.citiesracetozero.org](http://www.citiesracetozero.org) **by committing to at least one additional resilience action.**



# SETTING a 1.5°C target



**Cities that already have a 1.5°C science-based target** need to report it to their existing report platforms. If you've never reported before, we will guide you in this process.



**Cities that are not sure their target is science-based and 1.5°C compliant** need to report it and Cities Race to Zero partners will check for alignment.



**Cities that do not have a 1.5°C science-based target** need to start developing one or updating existing target as soon as possible.

ICLEI USA & CDP are working on support to US cities in setting Science Based Targets.



## Guide for cities

To help you choose the best methodology to set a 1.5°C compliant, science-based target.

# Action planning

Cities can choose among 50+ high-impact inclusive actions that will set them on a path to 1.5°C, deliver a green a just recovery from COVID-19, as well as better health, air quality, jobs and resilience for all.

**All signatories must commit to at least one action before COP26;** it can be an action already underway, a new action, or multiple!

Resources are available to help you successfully plan and deliver these actions.



**Create green and healthy streets**



**Create a more inclusive society**



**Reduce air pollution & ensure clean air**



**Develop zero-carbon buildings**



**Advance towards zero waste**



**Move towards resilient sustainable energy systems**



**Create sustainable food systems**



**Divest from fossil fuels & invest in a sustainable future**





# REPORTING

Signatories should report their targets and actions through the CDP-ICLEI Unified Reporting System or MyCovenant.

In 2021, cities will report the information they have, even if incomplete. By 2022, cities will report confirmed or updated targets, and start reporting progress annually.

**Cities that already report to of these platforms will not have new reporting requirements.**

**Cities that have not reported before will be guided through this process.**



# CHAMPIONING Cities Race to Zero

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Committed cities are invited to champion this global campaign and help recruit their peers in their country, region, why not even sister-cities?

Get in touch if you would like to champion Cities Race to Zero!

**Unsure if you are in the Race?**

Ask us: [info@citiesracetozero.org](mailto:info@citiesracetozero.org)



# Thank you

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[Laura Jay, Regional Director for North America at C40 Cities](#)

[ljay@c40.org](mailto:ljay@c40.org)

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[info@citiesracetozero.org](mailto:info@citiesracetozero.org)

[www.citiesracetozero.org](http://www.citiesracetozero.org)





# The Collaborative Reach

**257**

committed cities, counties, ports, universities, and transit agencies

**4,106**

light-duty electric vehicles and buses committed

**2,633**

electric vehicles procured to date

**1,257**

charging stations installed to date



# [ Dashboard for Rapid Vehicle Electrification - DRVE ]



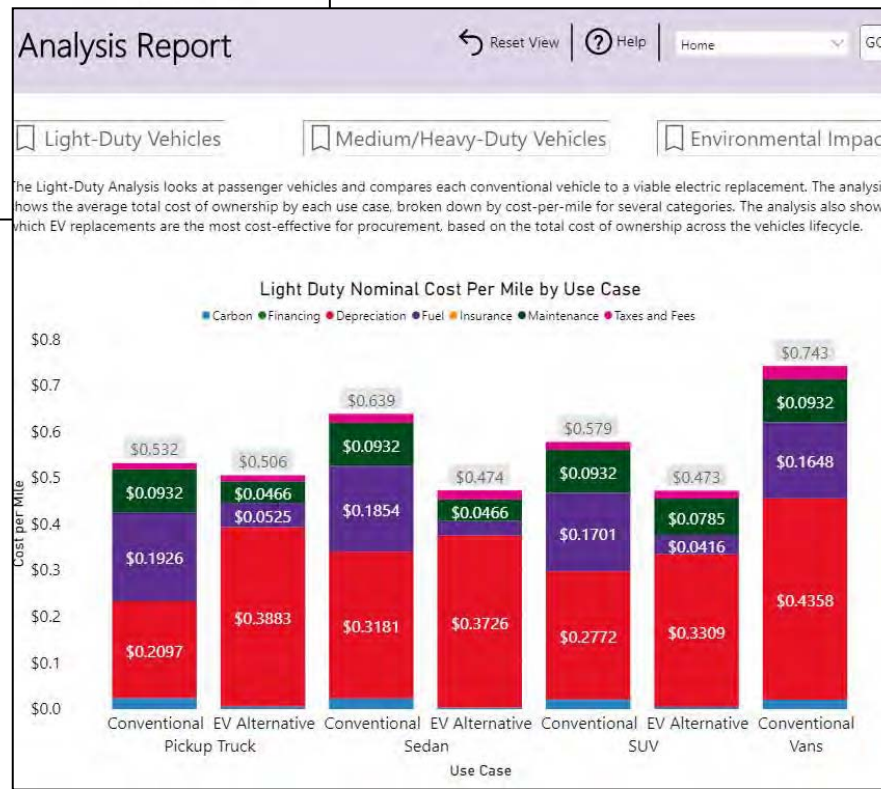
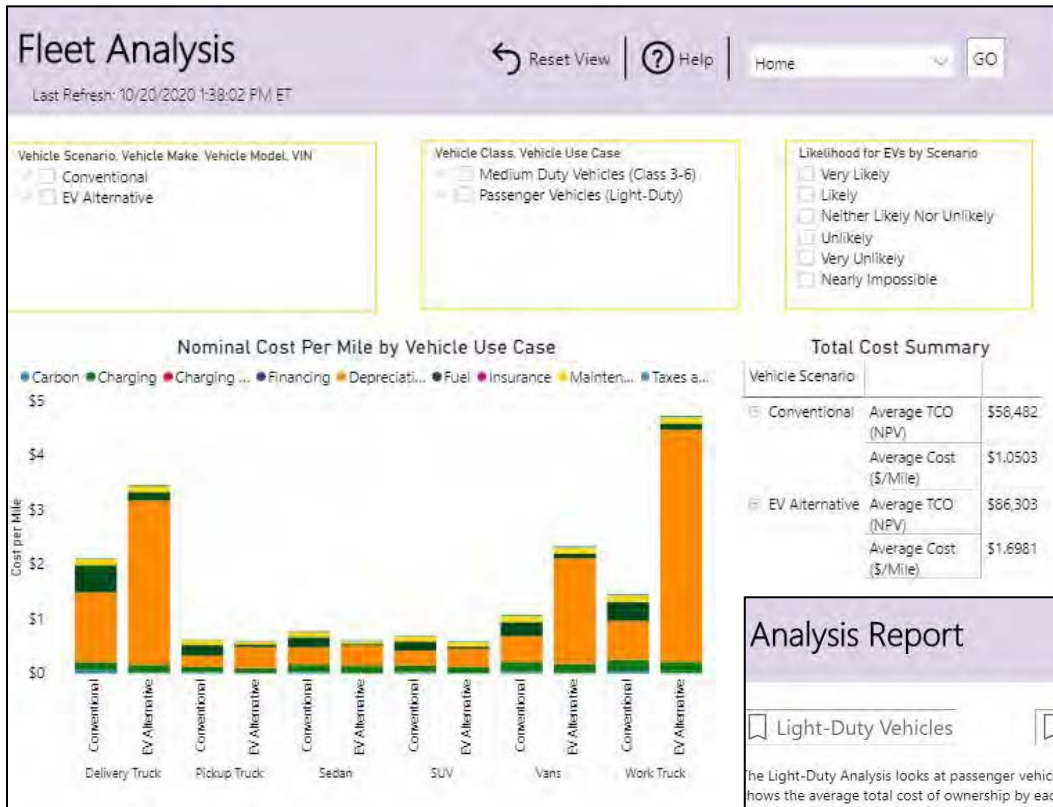
# Improving Fleet Analysis from Top to Bottom

- Standard fleet analysis can be costly, take weeks/months, and be difficult to interpret results.
- Through the DRVE Tool, the Electrification Coalition is focused to create an accessible, easy-to-use analysis tool that analyzes fleet data in minutes.
- Focused on bringing light, medium, and heavy-duty fleet analysis under one tool; typically separated for analysis.



# The Results: The Dashboard

- Dashboard Analysis View
- Ability to view and sort analysis by vehicle type, size, and other profiles.
- Light, Medium, and Heavy-Duty options



# DRVE Tool Recap

- Pulls from automated FHWA, DOE, EPA, and FuelEconomy.gov sources; will scale as new vehicle options become available.
- Upload and ingest data of any type (CSV, Excel)
  - Key input is vehicle VIN number
- Runs analysis on-computer
- New Features released/underway:
  - Automated Report Download
  - More charging planning features
  - DRVE “light” tool – allows for rendering of data within Excel file as well

# DRVE webinar for Climate Mayors

- March 18
- 2 PM ET
- Register Here:
- [https://us02web.zoom.us/webinar/register/WN\\_mQOZ7IsMQ5K69YYlyUKS2Q](https://us02web.zoom.us/webinar/register/WN_mQOZ7IsMQ5K69YYlyUKS2Q)



Over 250 public entities across the country have joined!

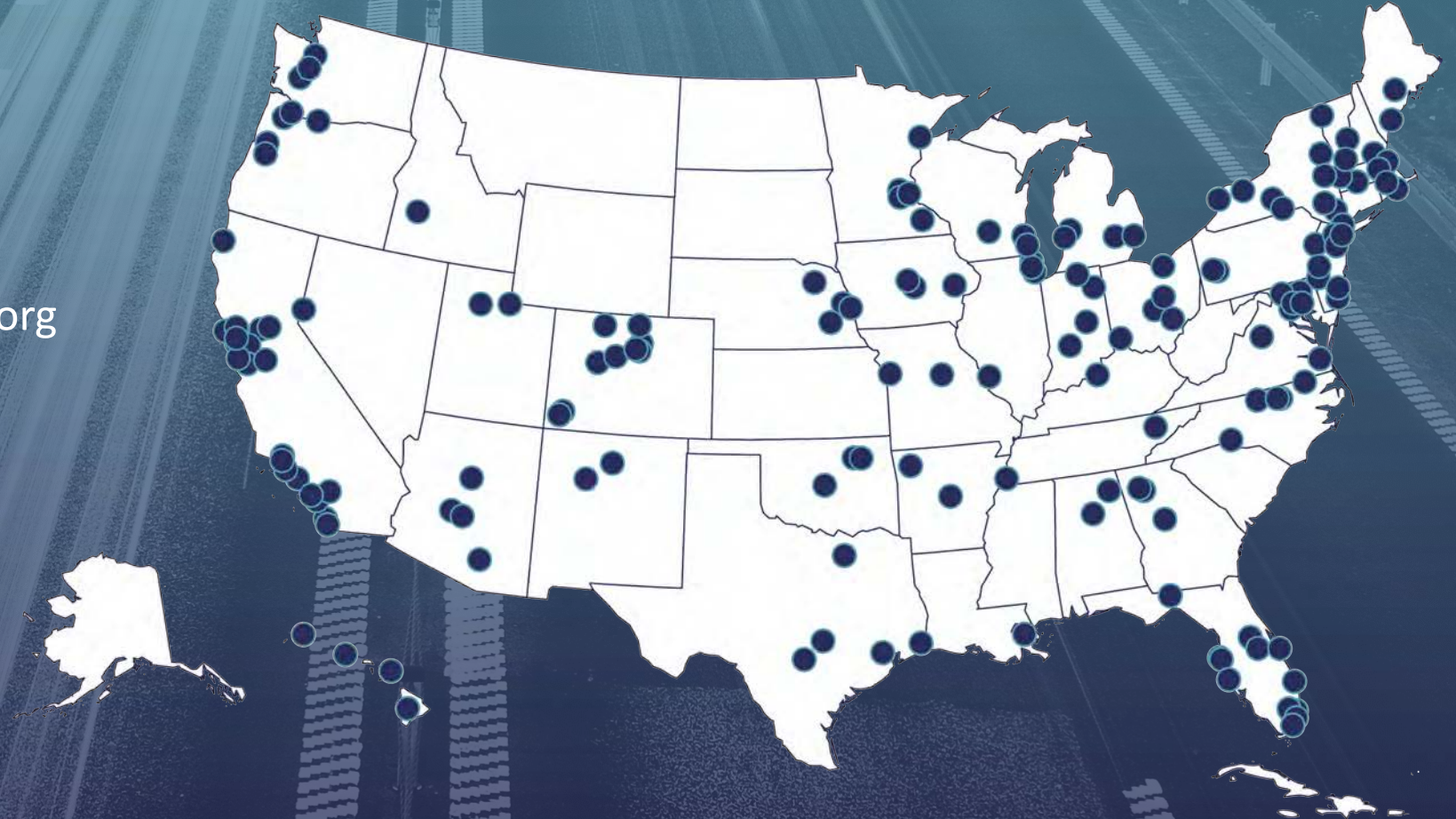
# Thank you!

**Sarah Reed**

805-550-4174

sreed@electrificationcoalition.org

www.driveevfleets.org



1111 19TH STREET NW  
SUITE 406  
WASHINGTON, DC 20036

TEL: 202-461-2360  
FAX: 202-318-8934  
ELECTRIFICATIONCOALITION.ORG



# Policy and Organizational Update

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- Governance and Strategic Planning Process
- Climate Mayors Meeting with White House Office of Domestic Climate Policy
- Earth Day
  - Climate Leaders Summit
  - City action/announcements
- Congressional Activity
  - COVID-19 Relief and Recovery Act
  - CLEAN Future Act



# Thank You

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- Next call will be on April 13, 2021
- Materials from today's call will be distributed this week
- Please contact James Ritchotte ([jritchotte@climate-mayors.org](mailto:jritchotte@climate-mayors.org)) if you have any questions





Rashi Kesarwani  
Councilmember District 1

CONSENT CALENDAR  
May 11, 2021

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author)

SUBJECT: Referral to the City Manager to Streamline Accessory Dwelling Unit (ADU) Permit Review and Approval

RECOMMENDATION

Refer to the City Manager to streamline the Accessory Dwelling Unit (ADU) permitting process in order to reduce staff time spent on review and enhance customer service. Further, assess effectiveness of process improvements specified below by reviewing over time: the number of ADUs permitted, average amount of staff time spent on ADU permit review, and permit fee levels.

Recommend that the City Manager develop for Planning staff use an ADU Universal Checklist and accompanying user-friendly webpage:

- **ADU Universal Checklist.** A clear set of universal guidelines and construction requirements should be developed among staff from Planning (both Land Use and Building and Safety Divisions), Fire, and Public Works Departments that is easy to follow in order to eliminate (or significantly reduce) the need for multiple departments to review ADU permit applications and for multiple rounds of review by the same department. The Universal Checklist should be a single document utilized by all City staff to review ADU permit applications and by customers to understand code requirements. The Universal Checklist should enable all City staff and customers to have the same clear understanding of all of the requirements that, if adhered to, would expedite the permitting process and lead to lower permit fees over time.
- **Accompanying User-Friendly Webpage.** As a companion to the ADU Universal Checklist, the City should also create a user-friendly webpage for customers (and prospective customers) with up-to-date information that provides clarity and greater certainty about the process and expected timeline for the creation of an ADU or Junior ADU, which is within a main dwelling unit. At a minimum, the webpage should include:

- A list of relevant fees and expected payment amounts for permits, inspections, and other requirements;
- Plan requirements, worksheets, and projected timelines for each step of the process; and
- Consolidated up-to-date state and local regulations that are easy to understand.

Recommend that the City Manager consider adoption of the following two best practices:

- **Pre-Approved ADU Design Plans.** Consider development of (1) free ADU designs available to download--of varying sizes and styles--that already conform to all City and state requirements and safety codes; and/or (2) a list of vendors with architectural designs and construction drawings that have already been approved by the City and are available to customers for a nominal fee to the architect.
- **ADU Ally.** Consider dedicating existing Planning staff member(s) time to the role of an "ADU Ally." The ADU Ally is a customer-facing staff person(s) who is an expert on all current state and local ADU regulations and acts as an ally to customers through the planning and building process.

#### CURRENT SITUATION AND ITS EFFECTS

*The City's Process for Reviewing ADU Plans Is Not Efficient.* Today, builders and homeowners report that building an ADU in Berkeley is costly, cumbersome, and frustrating. ADU plans submitted by applicants to the City's Permit Service Center are routed to multiple departments for review--a time-consuming process that requires review from multiple plan examiners. Further, the ADU plans are put in the same queue as other larger building projects, creating substantial wait times for approval. Relatedly, there is currently no user-friendly City webpage to alert customers about the process, fees, and requirements for obtaining an ADU permit, making it difficult for prospective customers to understand whether they are eligible to create an ADU and how to embark on the process. Such a webpage could alert residents that the state has eliminated minimum lot size requirements for ADUs, for example, which could encourage more homeowners to consider building an ADU.

*Inefficiency Leads to High Permit Fees.* Currently, the City of Berkeley permitting fees are estimated at a flat rate (3-5 percent) of the job valuation.<sup>1</sup> Spending less staff time on permit reviews will result in lower fees over time. Construction costs in California are high and building an average-sized detached ADU typically runs

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<sup>1</sup> See the City of Berkeley's Department of Planning and Development's Building Permit Fee estimator: <https://www.cityofberkeley.info/PermitFeeEstimator.aspx>

upwards of \$150,000. By creating greater certainty and a more streamlined process, customers will be better able to plan for financing their ADU.

*Recent State Law Changes Have Made It Easier to Create ADUs.* Recent changes to state law have made it easier for more homeowners to pursue ADU development, such as:

- ADUs are now required to be approved and permitted ministerially (AB 68, 2019)
- Elimination of minimum lot sizes for ADU development (AB 68, 2019)
- Exemption of ADU parking requirements under certain circumstances (SB 13, 2019)<sup>2</sup>

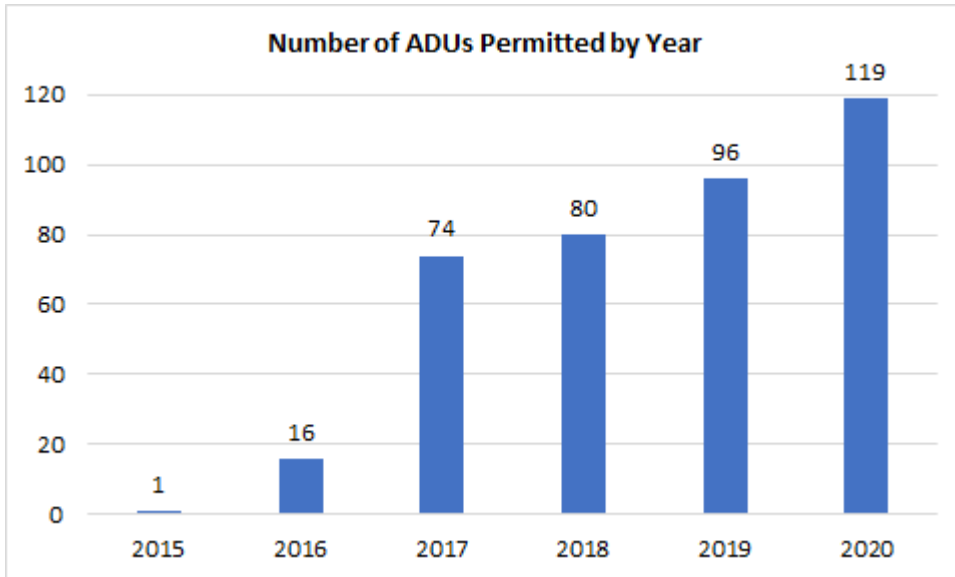
*Best Practices From Other Local Jurisdictions Can Help to Increase ADU Production in Berkeley.* Cities throughout the state are meeting an increasing demand among homeowners for ADUs by: revising their local ADU ordinance and simplifying zoning requirements, offering customer-friendly services, and streamlining the permit approval process. Taken together, these actions have shortened processing time, increased consistency, and reduced homeowner expenses. In Berkeley, interest in creating an ADU is growing: a total of 119 permits were approved for the construction of ADUs in 2020, a number that has steadily grown over the last five years, as shown in Exhibit 1. However, to date, the City of Berkeley has not implemented ADU best practices related to customer-friendly services and streamlining the permit approval process, meaning that more could be done to increase the number of ADU permits issued annually. We note that Berkeley is currently in the process of amending its ADU ordinance to comply with new state law changes, particularly with regards to emergency access and egress; installation of sprinklers; parking concerns in fire zones; maximum size of ADUs; as well as consideration of front yard setbacks, open space, and lot coverage.<sup>3</sup>

### **Exhibit 1: Number of ADUs Permitted in the City of Berkeley Has Steadily Grown**

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<sup>2</sup> For a complete discussion of statutory changes to California's ADU codes see the Department of Housing and Community Development's ADU Handbook, p. 23: [https://www.hcd.ca.gov/policy-research/docs/adu\\_december\\_2020\\_handbook.pdf](https://www.hcd.ca.gov/policy-research/docs/adu_december_2020_handbook.pdf)

<sup>3</sup> See "Response to Short Term Referral for Amendments to the Accessory Dwelling Units (ADU) Ordinance and Related Definitions to Address Public Safety Concerns," Planning Commission Agenda Packet, April 7, 2021, [https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Commissions/Commission\\_for\\_Planning/2021-04-07%20PC\\_Item%209.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2021-04-07%20PC_Item%209.pdf)



Source: “Response to Short Term Referral for Amendments to the Accessory Dwelling Units (ADU) Ordinance and Related Definitions to Address Public Safety Concerns,” Planning Commission Agenda Packet, April 7, 2020,

[https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Commissions/Commission\\_for\\_Planning/2021-04-07%20PC\\_Item%209.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2021-04-07%20PC_Item%209.pdf).

### *Three Best Practices From Other Jurisdictions Recommended for Berkeley*

- **ADU Universal Checklist and Accompanying User-Friendly Webpage.**

The City of San Jose has become well known for its adoption of an ADU Universal Checklist (see attached) that reduces the amount of time that City staff spend reviewing ADU permits and answering customer questions. Prior to the creation of San Jose’s Universal Checklist two years ago, ADU customers were required to work with four different departments (Building Development, Planning, Fire, and Public Works) to know the requirements and get their ADU permits approved--similar to the situation in Berkeley today. The Universal Checklist now provides a one-stop shop that lists all the requirements across all four City departments. This tool gives homeowners and builders clear guidance on what is required and simplifies the plan check process. The initial effort to establish the Universal Checklist took three to four months of weekly meetings among staff from the four relevant departments, according to the San Jose Public Information Manager for the Department of Planning, Building and Code Enforcement Division. However, now that the Universal Checklist is in place, those same staff have more available time to devote to other projects, according to the Public Information Manager. San Jose began utilizing the Universal Checklist in early 2019 shortly before some changes to state ADU laws (such as AB 68) went into effect; that year saw a notable jump in annual applications to build ADUs--from 376 permit applications in 2018 to nearly double in 2019 at 688 permit applications, which

2180 Milvia Street, Berkeley, CA 94704 • Tel: (510) 981-7110 • Fax: (510) 981-7111  
E-Mail: [Rkesarwani@cityofberkeley.info](mailto:Rkesarwani@cityofberkeley.info)

the Public Information Manager attributes to changes in state law, streamlined permitting, and marketing both of these changes.<sup>4</sup>

The marketing and advertising of these changes were facilitated by a user-friendly webpage that includes links to additional webpages with full descriptions of:

- The ADU Universal Checklist
- ADU plan review and permit process
- Pre-approved ADUs and lists of vendors
- Fees for ADUs
- ADU fire requirements
- Parking requirements and exemptions
- State and local ADU ordinances and updates<sup>5</sup>

The ADU Universal Checklist and accompanying user-friendly webpage are simple tools that could help all parties to be clear about the requirements for receiving an ADU permit. There is also precedent for using customer-friendly checklists, as the City of Berkeley already has many examples listed on its website, as shown in Exhibit 2.

**Exhibit 2: Building Checklists Currently Available from Online Service Center**

| Type of Checklist                  | Use                                                                                                                                                                                                                                                                  |
|------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Code Compliance Checklists         | Kitchens; Building Permits Submittals; Bathroom and Laundry; Decks, Porches, Stairs; Electric Vehicle Charging; Reach code low-rise residential; Reach code non-residential high rise and hotel/motel; Residential floor plan; Solar Photovoltaic; Windows and Doors |
| Energy Conservation Checklists     | CalGreen residential; CalGreen non-residential                                                                                                                                                                                                                       |
| Stormwater Requirements Checklists | C.3 and C.6 projects; C.3.i projects                                                                                                                                                                                                                                 |
| Land Use Planning Checklist        | Landmark Alterations Submittal Checklists                                                                                                                                                                                                                            |

Source: Online Service Center webpage, City of Berkeley website, [https://www.cityofberkeley.info/Online\\_Service\\_Center/Home/Forms.aspx](https://www.cityofberkeley.info/Online_Service_Center/Home/Forms.aspx).

<sup>4</sup> E-mail communication with Cheryl Wessling, San Jose’s Public Information Manager, Department of Planning, Building and Code Enforcement Division, April 14, 2021.

<sup>5</sup> See City of San Jose’s Department of Planning, Building and Code Enforcement ADU webpage: <https://www.sanjoseca.gov/business/development-services-permit-center/accessory-dwelling-units-adus>

- Pre-Approved ADU Design Plans.** Numerous jurisdictions have developed ADU design plans that are pre-approved by the jurisdiction’s Planning and Building Departments, ranging from conceptual drawings to full sets of building plans, which greatly reduces the amount of staff time required to approve planning and building permits. This approach streamlines the process for issuing a permit, which reduces design costs for the customer, reduces staff time for City Departments, and increases consistency among all the approved permits. San Diego County<sup>6</sup> and the City of Encinitas<sup>7</sup>, for example, both offer a set number of optional pre-approved ADU designs (free and available for download) of varying sizes and styles that can eliminate fees for hiring an architect and streamline some of the permitting processes. San Jose utilizes a slightly different model, in which it offers a list of vendors with pre-approved full sets of construction drawings that homeowners may use for a small fee to the architect. The primary benefit of pre-approved ADU design plans is that City staff only need to evaluate the site-specific elements to approve the building permit, leading to a more efficient review and lower permit fees for the customer.<sup>8</sup>
- ADU Ally.** The cities of Encinitas and San Jose both have dedicated staff whose sole responsibilities concern ADU development, providing staff responses to permitting requests and knowledgeable assistance steeped in state and local regulations.

## BACKGROUND

*As Home Prices Climb, ADUs are a Form of “Naturally Occurring” More Affordable Housing.* Home prices continue to climb across the Bay Area, and Berkeley now ranks as the third most expensive large Bay Area city, with an average home price of \$1.45 million, as shown in Exhibit 3. The state of California has the third highest median home price in the country, after Hawaii and Washington, D.C.<sup>9</sup> ADUs and Junior ADUs (within the main dwelling) are currently the only avenues available to increase the number of units in many residential zones. ADUs, also known as backyard cottages, have been found to be a form of “naturally occurring” more

<sup>6</sup> See San Diego County’s Accessory Dwelling Units webpage:

<https://www.sandiegocounty.gov/content/sdc/pds/bldg/adu.html.html>

<sup>7</sup> See City of Encinitas’ Permit Ready ADU (PRADU) webpage: <https://encinitasca.gov/pradu>

<sup>8</sup> See City of San Jose’s Pre-approved ADU webpage:

<https://www.sanjoseca.gov/business/development-services-permit-center/accessory-dwelling-units-adus/adu-permit-plan-review-process/adu-single-family-master-plan-program>. It should be noted that residents need to seek out the vendors and the designs are not free. San Jose also offers a process through which vendors can get their designs approved by the City and thus be added to the binder of pre-approved vendor designs.

<sup>9</sup> Experian, *Median Home Values by State*, Nov. 19, 2019, <https://www.experian.com/blogs/ask-experian/research/median-home-values-by-state/>.

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E-Mail: [Rkesarwani@cityofberkeley.info](mailto:Rkesarwani@cityofberkeley.info)



affordable housing when compared to the monthly cost to rent or own a single-family home.<sup>10</sup>

### Exhibit 3: Berkeley Home Prices are Third Highest Among Large Bay Area Cities

| City            | % change from Feb. 2020 to Feb. 2021 | ▼ Average value in Feb. 2021 |
|-----------------|--------------------------------------|------------------------------|
| Sunnyvale       | 11.1%                                | \$1.8M                       |
| San Mateo       | 1.6%                                 | \$1.5M                       |
| <b>Berkeley</b> | <b>6.9%</b>                          | <b>\$1.5M</b>                |
| San Francisco   | -3.2%                                | \$1.4M                       |
| Santa Clara     | 12.2%                                | \$1.4M                       |
| Fremont         | 7.7%                                 | \$1.2M                       |
| San Jose        | 14.0%                                | \$1.2M                       |
| Daly City       | 3.2%                                 | \$1.1M                       |
| Livermore       | 10.4%                                | \$900K                       |
| Oakland         | 8.9%                                 | \$870K                       |

Source: Zillow, as reported by Neilson, Susie, Sumida, Nami, "Every major Bay Area city has seen home values go up in the pandemic. Except for one," *The San Francisco Chronicle*, April 10, 2021, <https://www.sfchronicle.com/local/article/Mapped-Real-estate-prices-soared-in-the-Bay-Area-16091650.php>.

### RATIONALE FOR RECOMMENDATION

The proposed recommendations for streamlining the review of ADU permit applications are intended to ensure that staff time is used efficiently, customers receive their permits in a timely manner at a competitive price, and that ultimately, these process improvements encourage more homeowners to create ADUs--a form of naturally-occurring more affordable housing that is greatly needed across the Bay Area and state.

<sup>10</sup> See both San Mateo County – April Report, *Affordability of Secondary Dwelling Units — 21 Elements*, April 9, 2014 (Used data from 2010- 2013): <https://norcalapa.org/wp-content/uploads/2018/07/Affordability-of-Second-Units-April-2014.pdf>; and Chapple, et. al., *Yes in My Backyard: Mobilizing the Market for Secondary Units*, 2012, Center for Community Innovation, Univ. of California, Berkeley, Page 10: [https://communityinnovation.berkeley.edu/sites/default/files/yes\\_in\\_my\\_backyard\\_mobilizing\\_the\\_market\\_for\\_secondary\\_units.pdf?width=1200&height=800&iframe=true](https://communityinnovation.berkeley.edu/sites/default/files/yes_in_my_backyard_mobilizing_the_market_for_secondary_units.pdf?width=1200&height=800&iframe=true)

FISCAL IMPACT

Time-limited staff time from relevant departments (Planning, Fire, and Public Works) to develop standardized sets of requirements to satisfy all building codes and safety regulations. Additional staff time from the Planning Department would be required to implement related ADU streamlining recommendations. We note that over time the initial outlay of staff time would lead to more efficient processing of ADU permit applications.

ENVIRONMENTAL SUSTAINABILITY

Encouraging the creation of ADUs and Junior ADUs enables the City to make more efficient use of residential land that is generally located in close proximity to public transit. Studies show that infill development is an effective strategy for reducing greenhouse gas emissions by reducing vehicle miles traveled when compared to homes created in outlying undeveloped areas.

CONTACT PERSON

Councilmember Rashi Kesarwani, District 1

(510) 981-7110

Attachment:

City of San Jose ADU Universal Checklist

# ADU Universal Checklist

**Are you thinking about building an Accessory Dwelling Unit (ADU)?** This checklist will help ensure that your idea for an ADU aligns with the City's Zoning Code, and will help you prepare for building permit requirements. Homeowners, designers, and construction professionals should all understand how the items in this checklist may affect the ADU design and requirements, before creating any building plans.

## Need help?

- To find your property designations, visit [www.sjpermits.org](http://www.sjpermits.org) and tap "Permits & Property Information"; enter your address; and on the next screen, click on your property and select "Property Information." A list of designations will appear.
- If you need further help, contact the ADU Ally at [adu.ally@sanjoseca.gov](mailto:adu.ally@sanjoseca.gov) or 408-793-5302.

Learn more about ADUs: [www.sanjoseca.gov/ADUs](http://www.sanjoseca.gov/ADUs)

| QUESTION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | YES                                                                                                                                                                                                                                                                                                            | NO               |               |                                                                                          |                       |                                                                                                                                                                                                                                                                                                                |  |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------|------------------------------------------------------------------------------------------|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| <b>SECTION A. PROPERTIES THAT QUALIFY</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                |                  |               |                                                                                          |                       |                                                                                                                                                                                                                                                                                                                |  |  |
| <p><b>1. Zoning.</b> Is the property in a residential zone that begins with R-1, R-2, R-M, or PD? Or, regardless of zoning, is the property in one of the following General Plan designations:</p> <ul style="list-style-type: none"> <li>- Residential Neighborhood or Mixed-Use Neighborhood or Mixed-Use Commercial</li> <li>- Urban Residential or Transit Residential or Rural Residential</li> <li>- Downtown or Urban Village</li> </ul> <p>Find zoning designation: <a href="http://www.sjpermits.org">www.sjpermits.org</a> Find General Plan designation: <a href="http://www.sanjoseca.gov/GPdesignation">www.sanjoseca.gov/GPdesignation</a><br/>Questions on PD zones: Speak with a Planner at 408-535-3555 to learn about unique PD zones.</p> <p>&gt; <b>Outcome:</b> If no, an ADU is not allowed. If yes, see the table below:</p> <table border="1"> <thead> <tr> <th>Property Type</th> <th>Qualifying Units</th> </tr> </thead> <tbody> <tr> <td>Single-family</td> <td>Subject to standards, one ADU and one JADU may be allowed -- see definitions, pages 2-4.</td> </tr> <tr> <td>Duplex or Multifamily</td> <td>Subject to standards (pages 2-4), two detached ADUs may be allowed. For a duplex, one attached ADU may also be allowed. For multifamily lots, a number of attached ADUs equivalent to up to 25% of existing units may also be allowed (for example, a building with 12 units may qualify for 3 attached ADUs).</td> </tr> </tbody> </table> | Property Type                                                                                                                                                                                                                                                                                                  | Qualifying Units | Single-family | Subject to standards, one ADU and one JADU may be allowed -- see definitions, pages 2-4. | Duplex or Multifamily | Subject to standards (pages 2-4), two detached ADUs may be allowed. For a duplex, one attached ADU may also be allowed. For multifamily lots, a number of attached ADUs equivalent to up to 25% of existing units may also be allowed (for example, a building with 12 units may qualify for 3 attached ADUs). |  |  |
| Property Type                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Qualifying Units                                                                                                                                                                                                                                                                                               |                  |               |                                                                                          |                       |                                                                                                                                                                                                                                                                                                                |  |  |
| Single-family                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Subject to standards, one ADU and one JADU may be allowed -- see definitions, pages 2-4.                                                                                                                                                                                                                       |                  |               |                                                                                          |                       |                                                                                                                                                                                                                                                                                                                |  |  |
| Duplex or Multifamily                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Subject to standards (pages 2-4), two detached ADUs may be allowed. For a duplex, one attached ADU may also be allowed. For multifamily lots, a number of attached ADUs equivalent to up to 25% of existing units may also be allowed (for example, a building with 12 units may qualify for 3 attached ADUs). |                  |               |                                                                                          |                       |                                                                                                                                                                                                                                                                                                                |  |  |
| <b>SECTION B. PROPERTY DESIGNATIONS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                |                  |               |                                                                                          |                       |                                                                                                                                                                                                                                                                                                                |  |  |
| <p><b>2. Easements.</b> Does the property have a dedicated easement? Easements are described in the title report that came with the purchase of your home. Contact a title company if you need to obtain a report. Tract and parcel maps may show easements, but may be less accurate than a title report. Find these maps at the County Surveyor Record Index tool at <a href="http://bit.ly/2ZhGjXc">http://bit.ly/2ZhGjXc</a>.</p> <p>&gt; <b>Outcome:</b> If yes, you must comply with the requirements of the easements, which may include no construction allowed within the easement area.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                |                  |               |                                                                                          |                       |                                                                                                                                                                                                                                                                                                                |  |  |
| <p><b>3. Historic Designation.</b> Is the property located in a Historic District identified on the California Register of Historic Resources? Find historic designations: <a href="http://www.sanjoseca.gov/HistoricResourcesInventory">www.sanjoseca.gov/HistoricResourcesInventory</a>.</p> <p>&gt; <b>Outcome:</b> If yes, simplified design standards will apply. Please speak with a Planner at 408-535-3555.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                |                  |               |                                                                                          |                       |                                                                                                                                                                                                                                                                                                                |  |  |
| <p><b>4. Geohazard Zone.</b> Is the property in a designated "geohazard" or "landslide" zone? Find designations: <a href="http://www.sjpermits.org">www.sjpermits.org</a></p> <p>&gt; <b>Outcome:</b> If yes, you will need a Geologic Hazard Clearance.<br/>Call Public Works at 408-535-7802 or email <a href="mailto:pwgeneralinfo@sanjoseca.gov">pwgeneralinfo@sanjoseca.gov</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                |                  |               |                                                                                          |                       |                                                                                                                                                                                                                                                                                                                |  |  |
| <p><b>5. Flood Zones.</b> Is the property in Flood Zones A, AE, AH, or AO? <i>Properties in D or X zones are excluded from these requirements.</i><br/>Find designation: <a href="http://www.sjpermits.org">www.sjpermits.org</a> Questions: Call 408-535-7803 or email <a href="mailto:floodzoneinfo@sanjoseca.gov">floodzoneinfo@sanjoseca.gov</a></p> <p>&gt; <b>Outcome:</b> If yes, see flood zone design requirements in <a href="#">Bulletin #211-ADU Plan Requirements</a>, found at <a href="http://www.sanjoseca.gov/home/showdocument?id=39040">www.sanjoseca.gov/home/showdocument?id=39040</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                |                  |               |                                                                                          |                       |                                                                                                                                                                                                                                                                                                                |  |  |

continued >

**SECTION C. DEVELOPMENT STANDARDS - Per Municipal Code Section 20.30.150: <http://bit.ly/33Knz6c>**

A great way to ensure your proposed ADU complies with the Zoning Code Development Standards is to meet with a City Planner. This free consultation can help you avoid designing plans that will NOT be approved. Come to the Permit Center and bring a completed Universal Checklist and a rough sketch of your property showing dimensions and the location of the main home and location of the proposed ADU. See full instructions for this consultation at [www.sanjoseca.gov/ADUs](http://www.sanjoseca.gov/ADUs).

**QUESTION** **YES** **NO**

**6. Location.** Is your proposed ADU located as follows?

| Property Type         | Location Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Single-Family         | <p><b>Attached ADU:</b> Must share a wall with main residence OR share a roof structure with main residence and be separated by no more than 10 feet. For an attached ADU in the front yard, the front door cannot be on same street-facing façade as that of the primary residence, with some exceptions (learn more by speaking with a Planner at 408-535-3555).</p> <p><b>Detached ADU:</b> Must be in the rear yard or 45 feet from the front property line. Must have a minimum 6-foot separation from the main dwelling unit. May be a converted detached garage or accessory building OR may be built attached to a detached garage or accessory building.</p> <p><b>Junior Accessory Dwelling Unit (JADU):</b> Must locate entirely within the main home’s existing footprint. You may have a JADU and a detached ADU. Both a JADU and attached ADU are not allowed.</p> |
| Duplex or Multifamily | <p><b>Attached ADU:</b> Location is limited to a conversion of existing non-livable space, such as converting an attic, basement, garage, storage room, boiler room, or passageway.</p> <p><b>Detached ADU:</b> Must be in the rear yard or 45 feet from the front property line, with a minimum 6-foot separation from the main building. The ADU may be a conversion of a detached garage or accessory building, or attached to a detached garage or accessory building.</p> <p><b>JADU:</b> Not allowed.</p>                                                                                                                                                                                                                                                                                                                                                                  |

> **Outcome:** If yes, your planned location for the ADU is in compliance. If no, your plans will not be approved.

**7. Size.** Is the size of the proposed ADU within the maximum limits as shown in the tables below AND does the proposed size account for the Rear Yard Coverage Limitation?

| SINGLE-FAMILY LOTS   |                                                                                                                                                                                  |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Lot Size             | Maximum Floor Area Allowed                                                                                                                                                       |
| Up to 9,000 sf       | Detached ADU: 1,000 sf maximum                                                                                                                                                   |
|                      | Attached ADU: Size can be up to 800 sf OR up to 50% of the primary residence area without exceeding 1,000 sf. Example: For an 1,800 sf home, a 900 sf attached ADU is allowed.   |
| 9,000 sf and greater | Detached ADU: 1,200 sf maximum                                                                                                                                                   |
|                      | Attached ADU: Size can be up to 800 sf OR up to 50% of the primary residence area without exceeding 1,200 sf. Example: For an 2,400 sf home, a 1,200 sf attached ADU is allowed. |
| Any lot with a JADU  | JADU: 500 sf maximum                                                                                                                                                             |
|                      | Detached ADU: 800 sf maximum                                                                                                                                                     |
|                      | Attached ADU: not allowed with a JADU                                                                                                                                            |

| DUPLEX & MULTIFAMILY LOTS |                              |
|---------------------------|------------------------------|
| Lot Size                  | Maximum Floor Area Allowed   |
| Any lot size              | Detached ADU: 800 sf maximum |
|                           | Attached ADU: 800 sf maximum |
|                           | JADU: not allowed            |

*How to calculate allowable square footage (sf):*  
The square footage of all living areas (existing or proposed) connected by a door or other opening counts toward the total allowable square footage of the ADU.

**Rear Yard Coverage Limitation.** The rear yard is the area that extends from the rear lot line to the rear of the main home across the full width of the lot. The cumulative coverage of the rear yard by structures — including coverage by the ADU, accessory buildings, sheds, gazebos, or other structures — may not exceed 40% of the rear yard or 800 sq.ft., whichever is greater. Does your project comply with this rule?

> **Outcome:** If yes, your ADU size is in compliance. If no, your plans will not be approved.

| QUESTION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | YES                                                                                                                                                                                                                                                                                                                                                                                                               | NO                    |               |                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |                                                                                                                                                                                                                                                                                                                                                                                                     |             |                                                   |                                                 |                                    |                                                              |                                                                                                                          |  |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|---------------------------------------------------|-------------------------------------------------|------------------------------------|--------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|--|--|
| <p><b>8. Setbacks.</b> Does your proposed ADU comply with these rules for setbacks?</p> <table border="1" data-bbox="168 205 1409 747"> <thead> <tr> <th data-bbox="168 205 370 233">Property Type</th> <th data-bbox="375 205 1409 233">Location Requirements</th> </tr> </thead> <tbody> <tr> <td data-bbox="168 239 370 415">Single-family</td> <td data-bbox="375 239 1409 415"> <b>Attached ADU:</b> Same setback requirements as apply to the main dwelling unit.<br/> <b>Detached ADU:</b><br/>                     - Must be set back 45 feet minimum from front property line.<br/>                     - Rear/side setbacks less than 3 feet may be subject to fire mitigation measures, see p. 4.<br/>                     - A second story OR new ADU with greater than 40% rear yard coverage must be set back 4 feet from both rear and side property lines.                 </td> </tr> <tr> <td data-bbox="168 422 370 598">Duplex or Multifamily</td> <td data-bbox="375 422 1409 598"> <b>Attached ADU:</b> Setbacks not applicable as the attached ADU is limited to a conversion of existing non-livable space.<br/> <b>Detached ADU:</b><br/>                     - Must be in the rear yard or 45 feet from the front property line.<br/>                     - Rear/side setbacks: Minimum 4 feet, allows for up to 1-foot projection for eaves<br/>                     - A second story must be set back 4 feet from both rear and side property lines.                 </td> </tr> <tr> <td data-bbox="168 604 370 632">Corner lots</td> <td data-bbox="375 604 1409 632">A 10-foot setback is required on the street side.</td> </tr> <tr> <td data-bbox="168 638 792 674">Lots ½ acre or greater along riparian corridors</td> <td data-bbox="797 638 1409 674">Minimum 100-foot setback required.</td> </tr> <tr> <td data-bbox="168 680 792 747">Decks, unenclosed entry landings, and second-story balconies</td> <td data-bbox="797 680 1409 747">Minimum 15-foot rear/side setback required. May not locate along building walls nearest to rear and side property lines.</td> </tr> </tbody> </table> <p>&gt; <b>Outcome:</b> If yes, the setbacks for your ADU are in compliance. If no, your plans will not be approved.</p> | Property Type                                                                                                                                                                                                                                                                                                                                                                                                     | Location Requirements | Single-family | <b>Attached ADU:</b> Same setback requirements as apply to the main dwelling unit.<br><b>Detached ADU:</b><br>- Must be set back 45 feet minimum from front property line.<br>- Rear/side setbacks less than 3 feet may be subject to fire mitigation measures, see p. 4.<br>- A second story OR new ADU with greater than 40% rear yard coverage must be set back 4 feet from both rear and side property lines. | Duplex or Multifamily | <b>Attached ADU:</b> Setbacks not applicable as the attached ADU is limited to a conversion of existing non-livable space.<br><b>Detached ADU:</b><br>- Must be in the rear yard or 45 feet from the front property line.<br>- Rear/side setbacks: Minimum 4 feet, allows for up to 1-foot projection for eaves<br>- A second story must be set back 4 feet from both rear and side property lines. | Corner lots | A 10-foot setback is required on the street side. | Lots ½ acre or greater along riparian corridors | Minimum 100-foot setback required. | Decks, unenclosed entry landings, and second-story balconies | Minimum 15-foot rear/side setback required. May not locate along building walls nearest to rear and side property lines. |  |  |
| Property Type                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Location Requirements                                                                                                                                                                                                                                                                                                                                                                                             |                       |               |                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |                                                                                                                                                                                                                                                                                                                                                                                                     |             |                                                   |                                                 |                                    |                                                              |                                                                                                                          |  |  |
| Single-family                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Attached ADU:</b> Same setback requirements as apply to the main dwelling unit.<br><b>Detached ADU:</b><br>- Must be set back 45 feet minimum from front property line.<br>- Rear/side setbacks less than 3 feet may be subject to fire mitigation measures, see p. 4.<br>- A second story OR new ADU with greater than 40% rear yard coverage must be set back 4 feet from both rear and side property lines. |                       |               |                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |                                                                                                                                                                                                                                                                                                                                                                                                     |             |                                                   |                                                 |                                    |                                                              |                                                                                                                          |  |  |
| Duplex or Multifamily                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Attached ADU:</b> Setbacks not applicable as the attached ADU is limited to a conversion of existing non-livable space.<br><b>Detached ADU:</b><br>- Must be in the rear yard or 45 feet from the front property line.<br>- Rear/side setbacks: Minimum 4 feet, allows for up to 1-foot projection for eaves<br>- A second story must be set back 4 feet from both rear and side property lines.               |                       |               |                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |                                                                                                                                                                                                                                                                                                                                                                                                     |             |                                                   |                                                 |                                    |                                                              |                                                                                                                          |  |  |
| Corner lots                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | A 10-foot setback is required on the street side.                                                                                                                                                                                                                                                                                                                                                                 |                       |               |                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |                                                                                                                                                                                                                                                                                                                                                                                                     |             |                                                   |                                                 |                                    |                                                              |                                                                                                                          |  |  |
| Lots ½ acre or greater along riparian corridors                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Minimum 100-foot setback required.                                                                                                                                                                                                                                                                                                                                                                                |                       |               |                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |                                                                                                                                                                                                                                                                                                                                                                                                     |             |                                                   |                                                 |                                    |                                                              |                                                                                                                          |  |  |
| Decks, unenclosed entry landings, and second-story balconies                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Minimum 15-foot rear/side setback required. May not locate along building walls nearest to rear and side property lines.                                                                                                                                                                                                                                                                                          |                       |               |                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |                                                                                                                                                                                                                                                                                                                                                                                                     |             |                                                   |                                                 |                                    |                                                              |                                                                                                                          |  |  |
| <p><b>9. Height.</b> Does your proposed ADU comply with these height limitations?</p> <table border="1" data-bbox="168 869 1409 1079"> <thead> <tr> <th data-bbox="168 869 370 896">Property Type</th> <th data-bbox="375 869 1409 896">Location Requirements</th> </tr> </thead> <tbody> <tr> <td data-bbox="168 903 370 995">Single-family</td> <td data-bbox="375 903 1409 995"> <b>Attached ADU:</b> Same height limitations as apply to the main dwelling unit.<br/> <b>Detached ADU:</b> One story: 18 feet maximum. Two-story: 24 feet maximum<br/>                     If the property includes a JADU, height of a detached ADU is 16 feet maximum per state law.                 </td> </tr> <tr> <td data-bbox="168 1001 370 1079">Duplex or Multifamily</td> <td data-bbox="375 1001 1409 1079"> <b>Attached ADU:</b> Limited to a conversion of existing non-livable space and must maintain existing height.<br/> <b>Detached ADU:</b> 16 feet maximum per state law                 </td> </tr> </tbody> </table> <p><b>Outcome:</b> If yes, the height of your ADU is in compliance. If no, your plans will not be approved.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Property Type                                                                                                                                                                                                                                                                                                                                                                                                     | Location Requirements | Single-family | <b>Attached ADU:</b> Same height limitations as apply to the main dwelling unit.<br><b>Detached ADU:</b> One story: 18 feet maximum. Two-story: 24 feet maximum<br>If the property includes a JADU, height of a detached ADU is 16 feet maximum per state law.                                                                                                                                                    | Duplex or Multifamily | <b>Attached ADU:</b> Limited to a conversion of existing non-livable space and must maintain existing height.<br><b>Detached ADU:</b> 16 feet maximum per state law                                                                                                                                                                                                                                 |             |                                                   |                                                 |                                    |                                                              |                                                                                                                          |  |  |
| Property Type                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Location Requirements                                                                                                                                                                                                                                                                                                                                                                                             |                       |               |                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |                                                                                                                                                                                                                                                                                                                                                                                                     |             |                                                   |                                                 |                                    |                                                              |                                                                                                                          |  |  |
| Single-family                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Attached ADU:</b> Same height limitations as apply to the main dwelling unit.<br><b>Detached ADU:</b> One story: 18 feet maximum. Two-story: 24 feet maximum<br>If the property includes a JADU, height of a detached ADU is 16 feet maximum per state law.                                                                                                                                                    |                       |               |                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |                                                                                                                                                                                                                                                                                                                                                                                                     |             |                                                   |                                                 |                                    |                                                              |                                                                                                                          |  |  |
| Duplex or Multifamily                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Attached ADU:</b> Limited to a conversion of existing non-livable space and must maintain existing height.<br><b>Detached ADU:</b> 16 feet maximum per state law                                                                                                                                                                                                                                               |                       |               |                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |                                                                                                                                                                                                                                                                                                                                                                                                     |             |                                                   |                                                 |                                    |                                                              |                                                                                                                          |  |  |
| <p><b>10. Sleeping Area.</b> Up to two bedrooms are allowed, and the maximum bedroom size is 400 sf. Does the sleeping area or bedroom/s planned for the ADU or JADU comply with these standards?</p> <p>&gt; <b>Outcome:</b> If yes, your layout for the sleeping area is allowed. If no, your plans will not be approved</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |               |                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |                                                                                                                                                                                                                                                                                                                                                                                                     |             |                                                   |                                                 |                                    |                                                              |                                                                                                                          |  |  |
| <p><b>11. Kitchen, Bathroom, Storage.</b> Does your proposed ADU or JADU comply with these rules?</p> <p><b>Kitchen</b> - ADUs must have a sink, food preparation counter, storage, cabinets, and permanent cooking facilities such as a range or cooktop and oven. JADUs may have the same OR a small efficiency kitchen with plug-in appliances.</p> <p><b>Bathroom/s</b> - For ADUs, up to two bathrooms are allowed, requiring a sink, toilet, and shower and/or bath facilities. For JADUs, sharing the bathroom with the main residence is allowed or one bathroom or a half bathroom is allowed.</p> <p><b>Storage</b> - A closet or other enclosed storage area cannot exceed 60 sq. ft.</p> <p>&gt; <b>Outcome:</b> If yes, your design is in compliance. If no, your plans will not be approved.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |               |                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |                                                                                                                                                                                                                                                                                                                                                                                                     |             |                                                   |                                                 |                                    |                                                              |                                                                                                                          |  |  |
| <p><b>12. Second Story Window Sill Height.</b> Sill height for any openings must be a minimum 5 feet from the floor for walls nearest to rear and side property lines. Does your project comply with this rule?</p> <p>&gt; <b>Outcome:</b> If yes, this window design is allowed. If no, the plans will not be approved.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |               |                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |                                                                                                                                                                                                                                                                                                                                                                                                     |             |                                                   |                                                 |                                    |                                                              |                                                                                                                          |  |  |
| <p><b>13. Parking Requirements.</b> Does your proposed ADU either provide a parking space OR qualify for an exemption?</p> <p><b>Exemptions:</b> Many ADUs qualify for a parking exemption in accordance with state law. Please see the Parking Requirements page at <a href="http://www.sanjoseca.gov/ADUs">www.sanjoseca.gov/ADUs</a> for a list of the exemption criteria.</p> <p><b>Parking space location:</b> If you are required to provide a parking space, it must be located on a surface free of mud or dust. It may be located within the front and side setbacks of the property, with a minimum driveway length of 18 feet.</p> <p><b>Parking requirements after a garage conversion:</b> If you converted a garage to an ADU, replacement parking for the main home is no longer required.</p> <p>&gt; <b>Outcome:</b> If yes, your proposed project is in compliance. If no, your plans will not be approved.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |               |                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |                                                                                                                                                                                                                                                                                                                                                                                                     |             |                                                   |                                                 |                                    |                                                              |                                                                                                                          |  |  |

| SECTION D. FIRE SAFETY & EMERGENCY ACCESS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |     |    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|
| We will review your ADU project for compliance with the California Fire Code (CFC) so that projects are built for safety and ease of access during an emergency. For questions, call the City's Fire Prevention Bureau: 408-535-7750                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |     |    |
| QUESTION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | YES | NO |
| <p><b>14. Hydrant Water Flow.</b> Is a minimum flow of 1,000 gpm at 20 psi available at the closest hydrant? Ask your Water Company for this information. Send an email with "ADU WATER FLOW REQUEST" in the subject line and present this information:</p> <ul style="list-style-type: none"> <li>▪ Your name</li> <li>▪ Street name and address of the project</li> <li>▪ Nearest cross street to that location</li> </ul> <p><b>Submit the letter from the Water Company that contains this water flow data with your building permit application.</b><br/> <b>DON'T WAIT!</b> A top reason for permit issuance delays is not having this letter. Your water company will respond, so contact them today. Find Water Company contact information at the <a href="https://www.sanjoseca.gov/business/development-services-permit-center/accessory-dwelling-units-adus/adu-fire-requirements">ADU Fire Requirements webpage</a>:<br/> <a href="https://www.sanjoseca.gov/business/development-services-permit-center/accessory-dwelling-units-adus/adu-fire-requirements">https://www.sanjoseca.gov/business/development-services-permit-center/accessory-dwelling-units-adus/adu-fire-requirements</a></p> <p>&gt; <b>Outcome:</b> If the flow is other than 1,000 gpm at 20 psi, Fire staff will review flow data and will evaluate if additional fire safety measures are required.</p> |     |    |
| <p><b>15. Hydrant Proximity.</b> Are all exterior walls of the ADU within 600 feet of a fire hydrant?</p> <p>On the Site Plan Vicinity Map for plan submittal, mark one or more locations of fire hydrants closest to the project. Indicate the distance from the hydrant/s to the farthest exterior wall of the ADU, using the minimum 3-foot clear path of travel.</p> <p>&gt; <b>Outcome:</b> If no, your project may require a Fire Variance that entails additional safety measures. Call 408-535-7750 for direction. Find the Variance application at: <a href="http://www.sanjoseca.gov/Home/ShowDocument?id=9343">www.sanjoseca.gov/Home/ShowDocument?id=9343</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |     |    |
| <p><b>16. Fire sprinklers.</b> Is the primary residence protected by fire sprinklers?</p> <p>&gt; <b>Outcome:</b> If yes, the ADU must have a fire sprinkler system.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |     |    |
| <p><b>17. Fire sprinklers and attached ADUs.</b> Is the project an attached ADU greater than 500 square feet AND does the overall gross floor area with the main unit exceed 3,600 square feet?</p> <p>&gt; <b>Outcome:</b> If yes, the entire house and ADU are required to be protected with a fire sprinkler system.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |     |    |
| <p><b>18. ADU Address.</b> Does the ADU have its own address and is the address visible and legible from the street?</p> <p>Premises Identification guidelines: <a href="http://www.sanjoseca.gov/Home/ShowDocument?id=9323">www.sanjoseca.gov/Home/ShowDocument?id=9323</a>.</p> <p>On the Site Plan for plan submittal, show the address location on the primary dwelling unit and on the ADU.</p> <p>&gt; <b>Outcome:</b> If no, please complete Form #302, found at: <a href="http://www.sanjoseca.gov/home/showdocument?id=25943">www.sanjoseca.gov/home/showdocument?id=25943</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |     |    |
| <p><b>19. ADU Access.</b> Is the distance from the street curb of the lot to all portions of the proposed ADU no greater than 200 feet as measured along a minimum 3-foot clear path to all sides of the ADU?</p> <p>On the Site Plan for plan submittal, show the distance along the minimum 3-foot clear path from the front property line to the ADU's farthest exterior side or projection (such as eaves), whichever is farthest.</p> <p>&gt; <b>Outcome:</b> If no, your project may require a Fire Variance that entails additional safety measures. Call 408-535-7750 for direction. Find the Variance application at: <a href="http://www.sanjoseca.gov/Home/ShowDocument?id=9343">www.sanjoseca.gov/Home/ShowDocument?id=9343</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |     |    |
| SECTION E. MISCELLANEOUS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |     |    |
| <p><b>20. Tree Removal.</b> Will constructing an ADU require removal of an ordinance-size or heritage tree?</p> <p>&gt; <b>Outcome:</b> If yes, please see the City's rules for removing trees: <a href="http://www.sanjoseca.gov/treepermit">www.sanjoseca.gov/treepermit</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |     |    |

## ADU ALLY - HERE TO HELP YOU

Our ADU Ally is a staff member that will answer your questions; connect you to other staff who may be of assistance; and schedule your appointment for ADU plan submittal and review.

*Email:* [adu.ally@sanjoseca.gov](mailto:adu.ally@sanjoseca.gov)

*Phone:* 408-793-5302



Kate Harrison  
Councilmember District 4

CONSENT CALENDAR  
May 11, 2021

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Harrison and Mayor Arreguín  
 Subject: Establish A Pilot Climate Equity Action Fund to Assist Low-Income Residents with Transition to Zero-Carbon Transportation and Buildings

RECOMMENDATION

1. Adopt a Resolution establishing:
  - a. a Climate Equity Action Fund as a repository of grant and municipal funds for equitable climate-related pilot programs for low-income households at or below 50% of Area Median Income or as otherwise designated by Council; and
  - b. an annual process for the Energy Commission (or successor) and Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee (FITES), in consultation with community groups, to provide input to staff and Council about eligible categories of fund expenditures (e.g., transportation modal shift or building electrification) to maximize equitable emissions reductions and impacts for eligible households.
2. Refer to the June, 2021 budget process:
  - a. \$500,000 of general fund monies from excess equity as seed funding for the Climate Equity Action Fund pilot program; and
  - b. \$100,000 for staff costs associated with the Finance Department and OESD in administering applications and disbursement of monies.

CURRENT SITUATION, EFFECTS, AND RATIONALE FOR RECOMMENDATION

The City of Berkeley and broader world is facing a grave climate emergency, requiring municipalities to rapidly transition towards zero carbon economy by 2030. Transitioning Berkeley's economy will require significant investment on the part of both government and residents. Lower-income communities are most impacted by global climate change and have the least financial ability to address it. It is in the public interest to establish a Climate Equity Action Fund to assist low-income residents with the cost of transitioning from a carbon-based city. This item establishes a Climate Equity Action Fund as a depository of funds related to climate equity, allocates an initial funding amount of \$500,000, contingent on the availability of excess equity, from the General Fund, and



asks the Energy Commission (or successor) and FITES Committee, in consultation with community groups, to provide input to staff and Council on at least an annual basis about categories of fund expenditures that have the most benefit for low-income households and to maximize equitable emissions reduction impacts. It also provides \$100,000, contingent on the availability of excess equity, for staff costs associated with the Finance Department and Office of Energy and Sustainable Development (OESD) in administering applications and disbursement of monies

### BACKGROUND

According to the best available science, a 50% reduction in emissions is needed worldwide by 2030 or earlier in order to delay extremely catastrophic warming. Implicit in the U.N.'s global 2050 net-zero targets to keep emissions as close as possible to 1.5 degrees Celsius is the assumption that wealthy nations and cities will near zero by 2030.<sup>1</sup>

The people of Berkeley, especially low-income people, are already disproportionately impacted by the effects of climate change and fossil fuel pollution. Low-carbon technology can often be out of reach of many low-income households, and without direct assistance, many will be left behind.

The City's Electric Mobility Roadmap notes that key to ensuring equity in access to electric mobility is to improve its affordability, including through subsidized e-bike and EV charging incentive pilots and public transit passes.

In addition, Berkeley's Existing Building Electrification strategy includes recommendations for potential pilot projects prioritizing low-income communities with rebates and incentives. According to recent research conducted by the California Energy Commission, low-income residents will face the brunt of natural gas price increases as a result of communitywide electrification trends, highlighting the necessity of increasing access and affordability of all-electric technologies for low-income communities.

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<sup>1</sup> IPCC, 2018: Summary for Policymakers. In: *Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty* [Masson-Delmotte, V., P. Zhai, H.-O. Pörtner, D. Roberts, J. Skea, P.R. Shukla, A. Pirani, W. Moufouma-Okia, C. Péan, R. Pidcock, S. Connors, J.B.R. Matthews, Y. Chen, X. Zhou, M.I. Gomis, E. Lonnoy, T. Maycock, M. Tignor, and T. Waterfield (eds.)]. *World Meteorological Organization, Geneva, Switzerland, 32 pp.*  
<https://www.ipcc.ch/sr15/chapter/spm/>.



While incentives are currently available to Berkeley residents for all-electric water heating and cooking appliances from BayRen and East Bay Community Energy (EBCE), lower-income households face structural barriers in accessing those incentives. As an example, rebates often provide only for high-end purchases rather than leases of items such as solar arrays and for premium appliances rated as Energy Star, which many lower-income households cannot afford.<sup>2</sup> Lower-income households are often denied the opportunity both to save money in energy costs and create cleaner, more efficient homes.

Additionally, with regard to building decarbonization, rebates are typically aimed at property owners that have sufficient capital available to replace natural gas building systems as part of a larger renovation or on an ad hoc basis when systems fail. These programs are not necessarily geared towards those with limited upfront capital and those less acquainted with the often confusing and complex all-electric building systems available to property owners. Rebates are also not necessarily geared towards the benefit of renters, such as those living in affordable housing complexes.

Existing BayRen incentives are in most cases not enough to cover the bulk of the all-electric retrofit. Further, BayRen's \$1,000 electric-heat pump space heater incentive will be out of reach for most Berkeleyans, regardless of income, as it requires the property owner to replace an existing gas heating system *combined* with an existing air conditioning unit. Air conditioning units have historically been a rarity in Bay Area homes in the more temperate climate zones such as Berkeley, and therefore this incentive will have little impact on Berkeleyans, and leaves a large gap across Berkeley's decarbonization strategy. Therefore, larger and more flexible incentives for low-income households and/or opportunities to lease, rent (and still receive rebates) or purchase low-carbon systems are needed.

### **Berkeley Climate Equity Action Fund Pilot – Initial Proposal for FY 2022**

In March 2021, Congress passed a \$1.9 trillion economic stimulus and recovery bill in response to the COVID-19 crisis. The law provides the City of Berkeley with approximately \$68 million dollars of one-time flexible funding that can be used to offset revenue reductions and costs associated with the City's COVID-19 response in addition to certain infrastructure projects. Congress provided local jurisdictions with flexibility about how to allocate these funds, and any excess equity resulting from using federal funds to supplant existing or planned appropriations. In other words, the Mayor and Council could appropriate a certain proportion of any equity resulting from the Act

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<sup>2</sup> Marti Frank, "Expanding Access to Energy Efficient Appliances," <https://ilsr.org/local-energy-rules-podcast-homepage/>.

towards municipal services, including services or programs that assist residents with transitioning towards a zero-carbon city.

The initial purpose of the Climate Equity Action Fund is to provide direct subsidies to low-income residents to help them transition away from fossil fuel building and transportation infrastructure.

Low-income households that qualify would be defined as those at or below 50% of Area Median Income (about \$59,000 per year for a family of 3), with a certain percentage of funds reserved for very-low-income families earning below 138% of the Federal Poverty Level (about \$30,000 per year for a family of 3). However, in recognition that equity requires consideration of more than just income alone, the Resolution provides for Council to approve other equitable investments and uses as recommended by staff in consultation with the community.

This item refers to the Energy (or successor) Commission and the FITES Committee on an annual basis to recommend how to best appropriate funds to maximize equitable emissions reduction impacts of funds to include, but not limited to:

- ***Transportation Modal Shift***

Income qualified subsidies for:

1. Renting or purchasing bicycles, electric bicycles, scooters, and other forms of micro mobility. The City of Berkeley is working with nearby jurisdictions to create a municipal micro-mobility rental program;
2. EV charging infrastructure, including membership in ChargePoint and other charging systems;
3. Public transit passes, including the AC Transit EasyPass.

- ***Building Decarbonization***

Income qualified subsidies for:

1. purchasing and installing induction stoves and electric ovens, heat pump water heaters, heat pump space heaters, energy-efficient refrigerators and heat pump washers and dryers;
2. electric panel upgrades associated with electrification of appliances;
3. leasing or purchasing solar arrays;

4. weatherization;
5. purchasing and installing smart thermostats and smart plugs/energy monitoring devices;
6. permit fees in connection with electrification retrofits and solar installation.

On November 3, 2020, Berkeley voters narrowly defeated Measure HH, which would have established a Climate Equity Action Fund and provided \$2.4 million annually through an increase in the electricity and gas portion of the Utility Users Tax. In contrast to Measure HH, this budget referral will not result in any tax increases as it relies on a one-time appropriation of General Fund monies associated with the American Rescue Act. However, by establishing a Climate Equity Action Fund, the Council would create a locus for grant funds and for future appropriate appropriations, whether through the General Fund or otherwise.

### **Berkeley Climate Equity – Moving into the Future**

The FITES Committee is currently considering a separate ordinance expanding eligibility for the Seismic Transfer Tax Rebate Program for electrification. Since only individuals who can afford to buy and sell property in Berkeley qualify for the proposed transfer tax rebate program, the Climate Equity Action Fund in subsequent years would be an equitable companion program aimed at lower-income populations, but could draw upon the same source of revenue.

### **Examples of Equitable Climate Programs Provided by Other Jurisdictions**

Neighboring jurisdictions already offer their residents various equitable income-based subsidies related to the climate transition. For example, Marin County maintains the Natural Gas Appliance Replacement Rebate Program known as Electrify Marin. This program is funded through a one-time grant from the Bay Area Air Quality Management District and provides generous subsidies for all-electric appliances and electric service panel upgrades. While funding is universal, it also provides qualified supplemental assistance such that low-income residents can equitably receive substantially more funding:

| <b>Appliance Type</b>         | <b>Standard Rebate</b> | <b>Income Qualified Rebate</b> |
|-------------------------------|------------------------|--------------------------------|
| <b>Heat Pump Water Heater</b> | \$1,000                | \$2,000                        |
| <b>Heat Pump Space Heater</b> |                        |                                |
| Central Heat Pump             | \$1,000                | \$4,500                        |
| Mini-Split Heat Pump          | \$800                  | \$3,000                        |
| <b>Induction Cooking</b>      |                        |                                |
| Range (Cooktop & Oven)        | \$500                  | \$500                          |
| Cooktop only                  | \$250                  | \$250                          |
| <b>Service Panel Upgrade</b>  | \$500                  | \$1,200                        |

In addition, the City and County of San Francisco Public Utilities Commission provides residents with solar installation rebates through its GoSolarSF program; these rebates are in addition to those from PG&E. The program offers generous additional subsidies to low-income residents, nonprofit/municipal and nonprofit affordable housing applicants:

| <b>Incentive Levels for Calendar Year 2021</b>            |                                             |
|-----------------------------------------------------------|---------------------------------------------|
| CleanPowerSF & Hetch Hetchy Residential Basic*            | \$0/kW                                      |
| Add on if eligible: Environmental Justice or CalHome Loan | \$100/kW. Cap: 4.0 kW per meter.            |
| Add on if eligible: City Installer                        | \$250/kW. Cap: 4.0 kW per meter.            |
| Add on if eligible: Low-Income                            | \$2,000/kW. Cap: 4.0 kW per meter.          |
| Business*                                                 | \$0/kW                                      |
| Nonprofit/Municipal                                       | \$1,000/kW. Cap: \$50,000 per service site. |
| Nonprofit Residential                                     | \$1,000/kW. Cap: \$50,000 per service site. |
| Multi-Unit Residential Virtual Net Metering*              | \$0/kW                                      |
| Net Energy Metering Aggregation (NEM-A)*                  | \$0/kW                                      |

Several cities and countries offer financial incentives to purchase electric bikes as part of their GHG emissions reduction strategy.<sup>3</sup> Sonoma’s Community Choice Aggregator, Sonoma Clean Power, recently offered up to \$1,000 for qualified customers to purchase electric bikes. Eligible customers included those who participate in CARE/FERA rates or income-qualified programs such as SNAP (aka food stamps), Medicaid/Medical, Cash Assistance Program for Immigrants (CAPI), Women Infants and Children (WIC), Head

<sup>3</sup> “Electric Bike Subsidies and Grants Around the World. US, UK, Canada, and more,” eBikeHQ, <https://ebikeshq.com/electric-bike-subsidies-grants-around-world/>

Start, and many others. In addition, long term electric bike leasing and lease to own programs help to remove the cost barrier to electric bike use and ownership. Swapfiets has been offering leasing for \$20/month in several European cities, with roughly 35,000 leases in Amsterdam and 200,000 elsewhere in Europe.<sup>4</sup>

Currently, all Berkeley residential property owners are eligible for electrification incentives through BayRen, which does not provide a differential subsidy based on income. These rebates could be leveraged in combination with supplemental Berkeley Climate Equity Action fund subsidies for maximum impact:

### Eligible Program Measures & Rebate Amounts

| Measure                                                                                                        | Rebate Amount                                             |
|----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
| <b>Operations and Maintenance Measures</b>                                                                     |                                                           |
| Smart Thermostat (must be listed on the ENERGY STAR qualified product list for Smart Communicating Thermostat) | \$150                                                     |
| Duct sealing ≤ 10% total leakage (Ducts or Furnace/Air Handler/FAU located in garage disqualify this measure)  | \$200                                                     |
| Duct Replacement ≤ 5% total leakage                                                                            | \$800                                                     |
| <b>Building Shell Measures</b>                                                                                 |                                                           |
| Attic insulation ≥ R-44 (includes attic air sealing)                                                           | \$0.75 / ft <sup>2</sup> (not to exceed \$1,000 per home) |
| Wall insulation ≥ R-13 (2x4 framing) or ≥ R-19 (2x6 framing)                                                   | \$0.70 / ft <sup>2</sup> (not to exceed \$1,000 per home) |

<sup>4</sup> Feargus O'Sullivan, "How Paris Hopes to Build an E-Bike Boom," September 24, 2019, <https://www.citylab.com/transportation/2019/09/electric-bikes-paris-bicycle-rental-france-e-bike-subsidy/598192>. See also, Alex Ledson, "This Is The New Transport Trend Sweeping Europe" Oct 10, 2020, <https://www.forbes.com/sites/alexledson/2020/10/10/this-is-the-new-transport-trend-sweeping-europe/?sh=3667577c100b>

| <b>Heating and Cooling Measures</b>                                                                                                                                                                                                                                                                                                                                                   |         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| High efficiency central gas furnace $\geq$ 95% AFUE w/ Variable Speed Motor (must replace existing central gas furnace)                                                                                                                                                                                                                                                               | \$300   |
| High efficiency split central air conditioner $\geq$ 17 SEER<br>High efficiency packaged central air conditioner $\geq$ 16 SEER<br>(must replace entire load associated with existing central AC)                                                                                                                                                                                     | \$800   |
| High efficiency heat pump $\geq$ 17 SEER / 9.4 HSPF<br>(must replace entire load associated with electric heating system or heat pump or for electrification must replace existing central natural gas furnace and air conditioner with ducted direct exchange (non mini-split) heat pump or replace wall furnace and window air conditioner with a ductless mini-split heat pump.) ⚡ | \$1,000 |
| <b>Water Heating Measures</b>                                                                                                                                                                                                                                                                                                                                                         |         |
| High efficiency storage gas water heater medium usage $\geq$ 0.64 UEF, high usage $\geq$ 0.68 UEF<br>Instantaneous water heater $\geq$ 0.87 UEF (must replace existing gas storage water heater)                                                                                                                                                                                      | \$400   |
| Heat pump water heater $\geq$ 3.1 UEF (must replace existing gas or electric water heater) ⚡                                                                                                                                                                                                                                                                                          | \$1,000 |
| <b>Bonus Rebates</b>                                                                                                                                                                                                                                                                                                                                                                  |         |
| Combine one or more Building Shell measures with a Heating or Cooling measure (measures must be completed simultaneously)                                                                                                                                                                                                                                                             | \$500   |
| Combine attic with exterior wall insulation (measures must be completed simultaneously)                                                                                                                                                                                                                                                                                               | \$500   |
| Downsize heating and/or cooling system compared to existing system (requires a minimum 12 kBtu or 1 ton <i>input</i> reduction)                                                                                                                                                                                                                                                       | \$100   |
| Building air sealing $\geq$ 30% total leakage reduction (must be combined with another measure, otherwise requires blower door test-in and test-out to qualify as a standalone building shell measure)                                                                                                                                                                                | \$150   |
| Combustion Appliance Safety (CAS) test-out<br>(CAS test-out required for all measures. Not available as a standalone rebate. Only one per service address)                                                                                                                                                                                                                            | \$150   |
| <b>Electrification Appliance Measures</b>                                                                                                                                                                                                                                                                                                                                             |         |
| *Induction electric range (no hybrid) or cooktop (must replace existing natural gas range or cooktop) ⚡                                                                                                                                                                                                                                                                               | \$300   |
| *Heat pump clothes dryer $\geq$ 4.50 Combined Energy Factor (CEF) (must replace existing natural gas clothes dryer and listed as ENERGY STAR Efficient heat pump clothes dryer. ⚡)                                                                                                                                                                                                    | \$300   |

⚡ Electrification measures can replace gas equipment.

In addition, EBCE and Stopwaste currently offer Berkeley customers through the Home+ Energy Efficiency Program an additional \$1,000 incentive to help cover the installation cost of heat pump water heaters for a total of \$2,000 when combined with BayRen incentives. Again, these rebates do not provide for supplemental funding for lower-income households.

Finally, the city of Portland recently allocated \$8.6 million through the newly voter-approved Portland Clean Energy Community Benefits Fund grants to fund organizations conducting low-income energy retrofits.

### FINANCIAL IMPLICATIONS

This item would result in a one-time investment of \$500,000 from excess equity to seed a Climate Equity Action Fund, and an additional \$100,000 for Finance Department and OESD staff costs associated with administering applications and disbursement of Fund monies.

ENVIRONMENTAL SUSTAINABILITY

Supporting low-income incentives for building decarbonization and transportation modal shift will complement and accelerate Berkeley's ongoing efforts to reduce carbon emissions at an emergency and equitable pace in line with the Climate Action Plan, Climate Emergency Declaration, Mobility Roadmap and Existing Building Electrification Strategy.

CONTACT PERSON

Councilmember Kate Harrison, Council District 4, 510-981-7140

RESOLUTION NO. ##,###-N.S.

RESOLUTION ESTABLISHING A CLIMATE EQUITY ACTION FUND

WHEREAS, the City of Berkeley and broader world is facing a grave climate emergency, requiring municipalities to rapidly transition towards a zero-carbon economy by 2030; and

WHEREAS, transitioning Berkeley's economy will require significant investment on the part of both government and residents; and

WHEREAS, lower-income communities are most impacted by global climate change and have the least financial ability to address it; and

WHEREAS, low-carbon technology and infrastructure can often be out of reach for many low-income households and, without direct assistance, many will be left behind; and

WHEREAS, City's Electric Mobility Roadmap and Existing Building Electrification strategy both cite the importance of ensuring equity in access to carbon-free technology and infrastructure; and

WHEREAS, it is in the public interest to establish a Climate Equity Action Fund to assist low-income residents with the cost of transitioning from a carbon-based city; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager establish a Climate Equity Action Fund as a repository of city, regional, state, and federal funds related to climate equity for low-income households at or below 50% of Area Median Income, or as designated by Council.

BE IT FURTHER RESOLVED that the Berkeley Energy Commission, or successor, and the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee, in consultation with community groups, provide input to staff and Council on at least an annual basis about eligible categories of fund expenditures to maximize equitable emissions reductions and impacts for eligible households.

BE IT FURTHER AND FINALLY RESOLVED that any unexpended funds shall carry over from year to year.





Energy Commission

## INFORMATION CALENDAR

May 11, 2021

To: Honorable Mayor and Members of the City Council  
 From: Energy Commission  
 Submitted by: Janet Stromberg, Chairperson, Energy Commission  
 Subject: Berkeley Energy Commission Work Plan for 2021-2022

### INTRODUCTION

The Berkeley Energy Commission is charged with advising the City Council on matters related to energy conservation and alternative energy development in the City of Berkeley. To fulfill this mission, the Energy Commission proposes taking action in the following strategic areas over the next year:

1. Reduce transportation greenhouse gas emissions
2. Promote greenhouse gas emission reductions in the built environment
3. Promote and support City wide greenhouse gas reduction and funding plans

### CURRENT SITUATION AND ITS EFFECTS

The attached work plan outlines the specific activities and deliverables the Energy Commission will work on over the next year. The members of the Energy Commission developed this work plan in consultation with City staff to ensure alignment of priorities and gives priority to existing referrals to the Commission from the City Council.

At its meeting March 24, 2021 the Energy Commission voted to approve the attached work plan and send it to the City Council as follows: Motion/second (Leger, Gil). The motion carried 6-0-0-0; Ayes: Zuckerman, Gil, O'Hare, Leger, Schlachter, Paulos, Stromberg. Noes: None. Abstain: None. Absent: None.

### BACKGROUND

In 2016, the City Council directed all commissions to submit annual work plans to the City Council at the beginning of each fiscal year.

### ENVIRONMENTAL SUSTAINABILITY

The Energy Commission's Work Plan helps advance energy efficiency, clean energy, and the City's greenhouse gas reduction goals.

POSSIBLE FUTURE ACTION

The projects contemplated in the attached work plan could result in recommended actions which, if subsequently adopted by the City Council, would entail a variety of costs and benefits.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

To be determined.

CONTACT PERSON

Billi Romain, Commission Secretary, 510-981-7432

Attachments:

1: Berkeley Energy Commission's 2021-22 Work Plan

**Berkeley Energy Commission 2021-2022 Work Plan****MISSION**

The Berkeley Energy Commission advises the City Council on climate protection, energy conservation, and renewable energy transition, prioritizing diverse leadership and ensuring marginalized and underrepresented communities have equitable access to clean energy resources and technology.

**STRATEGIC OBJECTIVES**

The Energy Commission will work on the following Objectives over the next year:

1. Reduce transportation greenhouse gas emissions
2. Promote greenhouse gas emission reductions in the built environment
3. Promote and support City wide greenhouse gas reduction and funding plans

**ACTIVITIES**

To advance each of these objectives, the Commission will focus on the following specific activities over the next year.

**Objective 1. Reduce transportation greenhouse gas emissions****1. Track and advance Electric Mobility Roadmap**

- *Deliverables:*
  - Review and provide input Electric Mobility Roadmap implementation.
  - Support City efforts to rapidly build out dockless bike shares, a protected bike lane network, EV charging stations, and bidirectional EV hookups for resilient power.
  - Investigate incentives for electrification of cars.
- *Lead Commissioner:* TBD
- *Timing:* Ongoing

**2. Support active transit and alternative transportation technologies and infrastructure issues that could reduce fossil fuel vehicle use**

- *Deliverables:*
  - Create a standing liaison with the Transportation Commission.
  - Support City efforts to build out alternative and emerging technology.
  - Support expansion of public transport.
- *Lead Commissioner:* TBD

- *Timing:* Ongoing

### 3. Track Impact of Pandemic on Transportation

Social transformation is underway as residents change their behavior in response to the ongoing pandemic. This response is especially remarkable as many people who can work from home choose to do so rather than to commute, and employers abandon thousands of centralized office spaces. Public transportation, e.g., BART, and AC Transit, as well as taxis, ride-sharing services and micromobility have been particularly impacted. Traffic, parking, and revenue related to parking and transportation have likewise been impacted as have energy resources: reduced gasoline consumption and increased use of home heating and lighting. These impacts will likely further transform as the spread of coronavirus is brought under control and the pandemic recedes.

- Deliverable:
  - Report to Council about what we know and what we can predict based on trends. We anticipate impact on budgets, equity, and how the City will need to collaborate with regional and state partners.
- *Lead Commissioners:* Schlachter and Stromberg
- *Timing:* New initiative

## **Objective 2. Promote greenhouse gas emission reductions in the built environment**

### 1. Advance Berkeley's codes, policies, and programs for promoting building energy efficiency, electrification, reduced embodied energy, and green building practices as outlined in Berkeley Deep Green Building.

- *Deliverables:*
  - Review and provide input on the Existing Building Electrification Strategies, including the equity pilot program, and renovation reach codes.
  - Track Building Energy Savings Ordinance performance and suggest improvements during current review and evaluation process including development of transfer tax program for energy efficiency and electrification upgrades.
  - Track and comment on other relevant City Council and staff initiatives.
- *Lead Commissioners:* Leger and O'Hare
- *Timing:* Ongoing

### 2. Support municipal building electrification and energy efficiency upgrades and development of municipal green building programs.

- *Deliverables:*
  - Track municipal building remodels.

- Advance adoption of municipal green building standards, including low toxic, low embodied carbon building materials.
- *Lead Commissioners:* Leger and O’Hare
- *Timing:* Ongoing

**Objective 3. Promote and support City wide greenhouse gas reduction plans**

**1. Advance Berkeley’s Climate Action Plan and Climate Emergency goals.**

- *Deliverables:*
  - Track Berkeley progress on greenhouse gas emission reductions.
  - Review and provide input on staff’s annual report to the City Council on Climate Action Plan progress and recommend further actions.
  - Consider creating a public dashboard to track key metrics related to emissions in Berkeley, in collaboration with staff working on the Climate Action Plan.
  - Review the city’s progress toward the objectives of the Fossil Free Berkeley Report and recommend follow-up actions and updates.
- *Lead Commissioner:* Zuckerman
- *Timing:* Ongoing

**2. Recommend ways to implement the Climate Equity Action Fund, such as through a pilot project.**

- *Deliverables:*
  - Solicit input from experts and the public on effective local funding mechanisms for climate action.
  - Explore options to split the collection of the Utility Users Tax to make it possible to charge separate rates for natural gas and electricity.
  - Make recommendations to the Council on potential city ballot measures in 2022 related to energy and climate change.
- *Lead Commissioner:* Paulos
- *Timing:* Ongoing

**3. Promote the use of clean, renewable energy**

- *Deliverables:*
  - Support efforts to deploy clean, renewable energy to provide resiliency and backup power in Berkeley, including microgrids, battery storage, and inverters with islanding capability.

- Collaborate with Staff and make recommendations to the Council to ensure the City is engaging effectively with EBCE on its clean energy programs and product offerings, including electricity mix options, distributed generation and energy storage for critical facilities, and rebates for energy efficiency and electrification.
- *Lead Commissioners:* TBD
- *Timing:* Ongoing

4. Improve cooperation and collaboration with other City Commissions, and ensure that the Commission weighs in where appropriate on City Council actions related to energy and climate change.

- *Deliverables:*
  - Monitor upcoming City Council actions related to energy or climate change and make timely recommendations on relevant items.
  - Assign Commissioners to serve as formal liaisons to Public Works and Transportation Commissions, and other Commissions as needed, which will involve tracking their agendas and attending meetings.
  - Convene joint meetings with other Commissions on specific topics of mutual interest, intended to lead to joint recommendations to Council.
- *Lead Commissioners:* Stromberg and TBD
- *Timing:* Ongoing

**IMPACTS**

1-3 years: Accelerated reductions in greenhouse gas emissions, so that Berkeley, at the very least, achieves its 2020 Climate Action Plan goal of reducing greenhouse gas emissions 33% below 2000 levels while avoiding unintended side effects.

4-6 years: Accelerated reductions in greenhouse gas emissions so that Berkeley is on track, at the very least, to achieve its 2050 Climate Action Plan goal of reducing greenhouse gas emissions 80% below 2000 levels while avoiding unintended side effects.

INFORMATION CALENDAR

May 11, 2021

To: Honorable Mayor and Members of the City Council

From: Jenny Wong, City Auditor

Subject: Streets Audit Report Wins National Recognition

INTRODUCTION

The 2020 Exemplary Knighton Award for best performance audit report in the small shop category has been awarded to the City of Berkeley Auditor's Office by the Association of Local Government Auditors (ALGA). The report, *Rocky Road: Berkeley Streets at Risk and Significantly Underfunded*, was judged on several key elements, such as the potential for significant impact, the persuasiveness of conclusions, the focus on improving government efficiency and effectiveness, and its clarity and conciseness.

CURRENT SITUATION AND ITS EFFECTS

Each year, local government audit organizations from around the U.S. and Canada submit their best performance audit reports for judging. The judges from peer organizations determined that our audit of the City of Berkeley's Streets was among the best of 2020.

BACKGROUND

We issued our audit report, *Rocky Road: Berkeley Streets at Risk and Significantly Underfunded*, on November 19, 2020<sup>1</sup>. The purpose of the audit was to determine:

1. Are there sufficient resources for maintaining Berkeley's streets?
2. Are there clear policies and processes to guide street paving decisions?

We found that, without significant additional funding, Berkeley streets will continue to deteriorate and deferred maintenance costs will increase. Continuing with the current level of funding, the Paving Conditions Index (PCI) will move from 59 in 2018 and reach an estimated low of 52 by 2023. In addition, if the City simply maintains the current level of funding, the deferred maintenance costs will increase to an estimated \$328 million by 2023. Revenue decreases from COVID-19 may contribute to further declines in street condition.

We also found that the Streets Rehabilitation and Repair Policy has not been updated since 2009 and Public Works is no longer following the policy to guide annual updates to the Five-Year paving plan. Equity is currently not defined in the policy. Additionally, the policy is not guided by clear goals or performance measures. Without a clear and updated policy,

<sup>1</sup> [https://www.cityofberkeley.info/uploadedFiles/Auditor/Level\\_3\\_-\\_General/Rocky%20Road-Berkeley%20Streets%20at%20Risk%20and%20Significantly%20Underfunded.pdf](https://www.cityofberkeley.info/uploadedFiles/Auditor/Level_3_-_General/Rocky%20Road-Berkeley%20Streets%20at%20Risk%20and%20Significantly%20Underfunded.pdf)

Public Works and City Council are not able to make fully informed or transparent decisions regarding annual street paving. This may lead to inefficiencies and inequities in street paving.

We made five recommendations to ensure there are sufficient resources to maintain Berkeley's streets and to increase transparency around the street paving process. City Management agreed to our findings, conclusions, and recommendations.

#### ENVIRONMENTAL SUSTAINABILITY

This report is not associated with identifiable environmental effects or opportunities.

#### POSSIBLE FUTURE ACTION

We will continue to follow up on the status of audit recommendation implementation to ensure the City mitigates the risks that could prevent the City from providing efficient, effective, and equitable service delivery.

#### FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Audit work leads to new or enhanced revenue, cost recovery, and increased efficiency, with economic impact well beyond the audit costs. Long-range financial benefits of our audits result in significant improvements to internal controls and service delivery.

Ensuring timely implementation of audit recommendations could result in additional savings and risk reduction, including fraud risk. Reducing fraud risk more than protects money; it builds trust in government. Maintaining a strong audit function and prudent program and fiscal management will reduce future costs and enhance public trust.

#### CONTACT PERSON

Jenny Wong, City Auditor, 510-981-6750

Attachment:

1. 2020 Knighton Award Letter from ALGA





## Association of Local Government Auditors

April 8, 2021

Jenny Wong  
Berkeley City Auditor  
2180 Milvia Street, 3<sup>rd</sup> Floor  
Berkeley, CA 94704

RE: 2020 Knighton Award Winner

Dear Jenny Wong:

The Association of Local Government Auditors (ALGA) Awards Program Committee is pleased to announce that the City of Berkeley, City Auditor's Office, *Rocky Road: Berkeley Streets at Risk and Significantly Underfunded*, won the 2020 Exemplary Knighton Award in the Small Shop Category.

ALGA was founded in 1985 to serve auditors who specialize in working with local governments. ALGA members represent approximately 300 local government audit organizations. Unlike the majority of auditors who work within a single industry, local government auditors must work in an environment that encompasses a wide variety of industries. Local government auditors are committed to helping their governments improve service delivery to citizens while doing so more efficiently and effectively with the limited resources available. In making the award, the judges commented:

This report was a clear stand-out: its short "Why this audit is important" section immediately draws the reader in with an explanation of why we should care. The layout, flow, graphics, and plain language made the report easy to read, and the message throughout the report stayed within scope. The report had sound methodology and was thorough, well documented, and supported by evidence. The judges were particularly drawn to the recommendations that related back to Council strategic goals to align the specific initiative of street maintenance with an overarching goal of the city of equity and inclusion. Lastly, the judges noted that including the detailed methodology in the appendix was a smart choice; most readers do not need that level of detail, so it was not necessary to include it in the heart of the report, but the information is there for those who do want it.

To encourage increasing levels of excellence among local government auditors, ALGA created the Knighton Award in 1995 to recognize the best performance audit reports produced by local government audit shops in the previous year. Each year, local government audit organizations submit their best performance audit report to be evaluated against four criteria: (1) an audit scope that has the potential for significant impact, and is responsive to the needs and concerns of decision-makers and/or the public; (2) audit conclusions that are persuasive, logical, and firmly supported by the evidence, which was gathered using appropriate research methods and tools; (3) audit recommendations that are feasible, and will make government programs more effective and efficient; and (4) audit results that are communicated in a clear, concise way.



## Association of Local Government Auditors

Judges from peer organizations determined that the City of Berkeley, City Auditor's Office report was among the best of 2020.

Congratulations for receiving this award!

Sincerely,

Larry Stafford, President  
ALGA

Hannah Gardener, Chair  
ALGA Awards Program Committee

| Upcoming Worksessions – <i>start time is 6:00 p.m. unless otherwise noted</i> |                                                                                                                             |
|-------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| Scheduled Dates                                                               |                                                                                                                             |
| May 18                                                                        | <ol style="list-style-type: none"> <li>1. Systems Realignment</li> <li>2. Affordable Housing Policy Reform</li> </ol>       |
| July 20                                                                       | <ol style="list-style-type: none"> <li>1. Bayer Development Agreement</li> <li>2. Measure FF and Fire Prevention</li> </ol> |
| Sept. 21                                                                      | <ol style="list-style-type: none"> <li>1. Housing Element</li> </ol>                                                        |
|                                                                               |                                                                                                                             |

| Unscheduled Workshops                                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. Cannabis Health Considerations</li> <li>2. Berkeley Police Department Hiring Practices (referred by the Public Safety Committee)</li> </ol> |

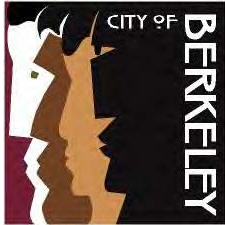
| Unscheduled Presentations (City Manager)                                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. Update: Zero Waste Priorities</li> <li>2. Civic Arts Grantmaking Process &amp; Capital Grant Program</li> </ol> |

|    | <b>City Council Referrals to the Agenda &amp; Rules Committee and Unfinished Business for Scheduling</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | <p><b>47. Amending Chapter 19.32 of the Berkeley Municipal Code to Require Kitchen Exhaust Hood Ventilation in Residential and Condominium Units Prior to Execution of a Contract for Sale or Close of Escrow</b> <i>(Reviewed by Facilities, Infrastructure, Transportation, Environment, and Sustainability Committee) (Referred from the January 21, 2020 agenda)</i><br/> <b>From: Councilmember Harrison</b><br/> <b>Recommendation:</b><br/>           1. Adopt an ordinance amending Berkeley Municipal Code (BMC) 19.32 to require kitchen exhaust ventilation in residential and condominium units prior to execution of a contract for sale or close of escrow.<br/>           2. Refer to the City Manager to develop a process for informing owners and tenants of the proper use of exhaust hoods.<br/> <b>Financial Implications:</b> See report<br/>           Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140<br/> <i>Note: Referred to Agenda &amp; Rules for future scheduling.</i></p> |
| 2. | <p><b>25. Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers</b> <i>(Continued from February 25, 2020. Item contains revised and supplemental materials) (Referred from the May 12, 2020 agenda.)</i><br/> <b>From: City Manager</b><br/> <b>Recommendation:</b> Adopt a Resolution accepting the Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers submitted pursuant to Chapter 2.99 of the Berkeley Municipal Code.<br/> <b>Financial Implications:</b> None<br/>           Contact: Andrew Greenwood, Police, (510) 981-5900; Dave White, City Manager's Office, (510) 981-7000<br/> <i>Note: Referred to Agenda &amp; Rules for future scheduling.</i></p>                                                                                                                                                                                                |
| 3. | <p><b>17. Objective Standards Recommendations for Density, Design and Shadows</b> <i>(Item contains supplemental material.) (Referred from the March 23, 2021 agenda.)</i><br/> <b>From: Joint Subcommittee for the Implementation of State Housing Laws</b><br/> <b>Recommendation:</b> Refer to the Planning Commission and Design Review Committee to review the recommendations from the Joint Subcommittee for the Implementation of State Housing Laws (JSISHL) for objective standards for density, design and shadows and draft Zoning Ordinance amendments for City Council consideration.<br/> <b>Financial Implications:</b> See report<br/>           Contact: Alene Pearson, Commission Secretary, (510) 981-7400<br/> <i>Note: Referred to Agenda &amp; Rules for future scheduling.</i></p>                                                                                                                                                                                                                  |

| CITY CLERK DEPARTMENT                                                    |                   |                    |                                   |                |
|--------------------------------------------------------------------------|-------------------|--------------------|-----------------------------------|----------------|
| WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS BEFORE THE CITY COUNCIL |                   |                    |                                   |                |
| Address                                                                  | Board/ Commission | Appeal Period Ends | Determination on Appeal Submitted | Public Hearing |
| <b>NOD – Notices of Decision</b>                                         |                   |                    |                                   |                |
| 1175 University Avenue (Holiday Inn breakfast room expansion)            | ZAB               | 4/27/2021          |                                   |                |
| 1205 Peralta Avenue (conversion of an existing garage)                   | ZAB               | 4/27/2021          |                                   |                |
| 2943 Pine Street (construct second story on existing one story)          | ZAB               | 4/27/2021          |                                   |                |
| <b>Public Hearings Scheduled</b>                                         |                   |                    |                                   |                |
| 2421 Fifth St (construct two residential buildings)                      | ZAB               |                    |                                   | 6/1/2021       |
| <b>Remanded to ZAB or LPC</b>                                            |                   |                    |                                   |                |
| <b>Notes</b>                                                             |                   |                    |                                   |                |

4/22/2021





Office of the City Manager

## **SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 2**

**Meeting Date:** November 10, 2020

**Item Number:** 20

**Item Description:** Annual Commission Attendance and Meeting Frequency Report

**Submitted by:** Mark Numainville, City Clerk

The attached memo responds to issues and questions raised at the October 26 Agenda & Rules Committee Meeting and the October 27 City Council Meeting regarding the ability of city boards and commissions to resume regular meeting schedules.



Office of the City Manager

November 9, 2020

To: Mayor and Council  
From: Dee Williams-Ridley, City Manager  
Subject: Commission Meetings Under COVID-19 Emergency (Item 20)

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This memo provides supplemental information for the discussion on Item 20 on the November 10, 2020 Council agenda. Below is a summary and update of the status of meetings of Berkeley Boards and Commissions during the COVID-19 emergency declaration and the data collected by the City Manager on the ability of commissions to resume meetings in 2021.

On March 10, 2020 the City Council ratified the proclamation of the Director of Emergency Services for a state of local emergency related to the COVID-19 pandemic. The emergency proclamation has been renewed twice by the Council and remains in effect.

On March 17, 2020 the City Council adopted Resolution No. 69,331-N.S. which placed limitations of the meetings of City legislative bodies, including all boards and commissions. The resolution allows for commissions to meet to conduct time-sensitive, legally mandated business with the authorization of the City Manager. Since that time, several commissions have obtained this approval and held meetings; many other commissions have not met at all since March.

The City Manager has periodically reviewed the status of commission meetings with the City Council Agenda & Rules Committee. Recently, at the October 12, 2020 Agenda & Rules Committee meeting, the City Manager presented a proposal to allow all commissions to meet under limited circumstances. The Committee voted to endorse the City Manager's recommendation.

Effective October 12, 2020, all City boards and commissions may meet once to develop and finalize their work plan for 2021 and to complete any Council referrals directly related to the COVID-19 pandemic response. A second meeting may be held to



complete this work with specific authorization by the City Manager. It is recommended that the meeting(s) occur by the end of February 2021.

Commissions that have been granted permission to meet under Resolution No. 69,331-N.S. may continue to meet pursuant to their existing authorization, and may also meet to develop their 2021 work plan.

Commissions that have not requested meetings pursuant to the Resolution No. 69,331-N.S. may meet pursuant to the limitations listed above.

In response to questions from the Agenda & Rules Committee and the Council, the City Manager polled all departments that support commissions to obtain information on their capacity to support the resumption of regular commission meetings. The information in Attachment 1 shows the information received from the departments and notes each commission's ability to resume a regular, or semi-regular, meeting schedule in 2021.

In summary, there are 24 commissions that have staff resources available to support a regular meeting schedule in 2021. Seven of these 24 commissions have been meeting regularly during the pandemic. There are five commissions that have staff resources available to support a limited meeting schedule in 2021. There are seven commissions that currently do not have staff resources available to start meeting regularly at the beginning of 2021. Some of these seven commissions will have staff resources available later in 2021 to support regular meetings. Please see Attachment 1 for the full list of commissions and their status.

With regards to commission subcommittees, there has been significant discussion regarding the ability of staff to support these meetings in a virtual environment. Under normal circumstances, the secretary's responsibilities regarding subcommittees is limited to posting the agenda and reserving the meeting space (if in a city building). With the necessity to hold the meetings in a virtual environment and be open to the public, it is likely that subcommittee meetings will require significantly more staff resources to schedule, train, manage, and support the work of subcommittees on Zoom or a similar platform. This additional demand on staff resources to support commission subcommittees is not feasible for any commission at this time.

One possible option for subcommittees is to temporarily suspend the requirement for ad hoc subcommittees of city commissions to notice their meetings and require public participation. Ad hoc subcommittees are not legislative bodies under the Brown Act and are not required to post agendas or allow for public participation. These requirements are specific to Berkeley and are adopted by resolution in the Commissioners' Manual. If it is the will of the Council, staff could introduce an item to temporarily suspend these

requirements which will allow subcommittees of all commissions to meet as needed to develop recommendations that will be presented to the full commission.

The limitations on the meetings of certain commissions are due to the need to direct staff resources and the resources of city legislative bodies to the pandemic response. Some of the staff assigned as commission secretaries are engaged in work with the City Emergency Operations Center or have been assigned new duties specifically related to the impacts of the pandemic.

Meeting frequency for boards and commissions will continue to be evaluated on a regular basis by the City Manager and the Health Officer in consultation with Department Heads and the City Council.

Attachments:

1. List of Commissions with Meeting Status
2. Resolution 69,331-N.S.

November 10, 2020 - Item 20  
Supplemental Information

| <u>Boards and Commissions</u>                     | <u>Meetings Held Under COVID March - Oct</u> | <u>Regular Mtg. Date</u> | <u>Secretary</u>   | <u>Dept.</u> | <u>Resume Regular Schedule in January 2021?</u> | <u>Note</u>                                       |
|---------------------------------------------------|----------------------------------------------|--------------------------|--------------------|--------------|-------------------------------------------------|---------------------------------------------------|
| Fair Campaign Practices Commission                | 9                                            | 3rd Thur.                | Sam Harvey         | CA           | YES                                             | Have been meeting regularly under COVID Emergency |
| Open Government Commission                        | 6                                            | 3rd Thur.                | Sam Harvey         | CA           | YES                                             | Have been meeting regularly under COVID Emergency |
| Animal Care Commission                            | 0                                            | 3rd Wed.                 | Amelia Funghi      | CM           | YES                                             |                                                   |
| Police Review Commission                          | 10                                           | 2nd & 4th Wed.           | Katherine Lee      | CM           | YES                                             | Have been meeting regularly under COVID Emergency |
| Disaster and Fire Safety Commission               | 4                                            | 4th Wed.                 | Keith May          | FES          | YES                                             |                                                   |
| Community Health Commission                       | 0                                            | 4th Thur.                | Roberto Terrones   | HHCS         | YES                                             |                                                   |
| Homeless Commission                               | 0                                            | 2nd Wed.                 | Josh Jacobs        | HHCS         | YES                                             |                                                   |
| Homeless Services Panel of Experts                | 5                                            | 1st Wed                  | Josh Jacobs        | HHCS         | YES                                             |                                                   |
| Human Welfare & Community Action Commission       | 0                                            | 3rd Wed.                 | Mary-Claire Katz   | HHCS         | YES                                             |                                                   |
| Mental Health Commission                          | 1                                            | 4th Thur.                | Jamie Works-Wright | HHCS         | YES                                             |                                                   |
| Sugar-Sweetened Beverage Product Panel of Experts | 0                                            | 3rd Thur.                | Dechen Tsering     | HHCS         | YES                                             |                                                   |
| Civic Arts Commission                             | 2                                            | 4th Wed.                 | Jennifer Lovvorn   | OED          | YES                                             |                                                   |
| Elmwood BID Advisory Board                        | 1                                            | Contact Secretary        | Kieron Slaughter   | OED          | YES                                             |                                                   |
| Loan Administration Board                         | 0                                            | Contact Secretary        | Kieron Slaughter   | OED          | YES                                             |                                                   |
| Solano Avenue BID Advisory Board                  | 2                                            | Contact Secretary        | Eleanor Hollander  | OED          | YES                                             |                                                   |
| Design Review Committee                           | 6                                            | 3rd Thur.                | Anne Burns         | PLD          | YES                                             | Have been meeting regularly under COVID Emergency |
| Energy Commission                                 | 0                                            | 4th Wed.                 | Billi Romain       | PLD          | YES                                             |                                                   |
| Landmarks Preservation Commission                 | 6                                            | 1st Thur.                | Fatema Crane       | PLD          | YES                                             | Have been meeting regularly under COVID Emergency |
| Planning Commission                               | 3                                            | 1st Wed.                 | Alene Pearson      | PLD          | YES                                             | Have been meeting regularly under COVID Emergency |
| Zoning Adjustments Board                          | 11                                           | 2nd & 4th Thur.          | Shannon Allen      | PLD          | YES                                             | Have been meeting regularly under COVID Emergency |
| Parks and Waterfront Commission                   | 4                                            | 2nd Wed.                 | Roger Miller       | PRW          | YES                                             |                                                   |
| Commission on Disability                          | 0                                            | 1st Wed.                 | Dominika Bednarska | PW           | YES                                             |                                                   |
| Public Works Commission                           | 4                                            | 1st Thur.                | Joe Enke           | PW           | YES                                             |                                                   |
| Zero Waste Commission                             | 0                                            | 4th Mon.                 | Heidi Obermeit     | PW           | YES                                             |                                                   |
| Commission on the Status of Women                 | 0                                            | 4th Wed.                 | Shallon Allen      | CM           | YES - LIMITED                                   | Secretary has intermittent COVID assignments      |

November 10, 2020 - Item 20  
Supplemental Information

| <u>Boards and Commissions</u>               | <u>Meetings Held Under COVID March - Oct</u> | <u>Regular Mtg. Date</u> | <u>Secretary</u>   | <u>Dept.</u> | <u>Resume Regular Schedule in January 2021?</u> | <u>Note</u>                                            |
|---------------------------------------------|----------------------------------------------|--------------------------|--------------------|--------------|-------------------------------------------------|--------------------------------------------------------|
| Commission on Aging                         | 0                                            | 3rd Wed.                 | Richard Castrillon | HHCS         | REDUCED FREQUENCY                               | Significant Dept. resources assigned to COVID response |
| Housing Advisory Commission                 | 0                                            | 1st Thur.                | Mike Uberti        | HHCS         | REDUCED FREQUENCY                               | Significant Dept. resources assigned to COVID response |
| Measure O Bond Oversight Committee          | 0                                            | 3rd Monday               | Amy Davidson       | HHCS         | REDUCED FREQUENCY                               | Significant Dept. resources assigned to COVID response |
| Transportation Commission                   | 2                                            | 3rd Thur.                | Farid Javandel     | PW           | REDUCED FREQUENCY                               | Staff assigned to COVID response                       |
| Children, Youth, and Recreation Commission  | 0                                            | 4th Monday               | Stephanie Chu      | PRW          | NO - SEPT 2021                                  | Staff assigned to COVID response                       |
| Youth Commission                            | 0                                            | 2nd Mon.                 | Ginsi Bryant       | PRW          | NO - SEPT 2021                                  | Staff assigned to COVID response                       |
| Community Environmental Advisory Commission | 0                                            | 2nd Thur.                | Viviana Garcia     | PLD          | NO - JUNE 2021                                  | Staff assigned to COVID response                       |
| Cannabis Commission                         | 0                                            | 1st Thur.                | VACANT             | PLD          | NO - JAN. 2022                                  | Staff vacancy                                          |
| Peace and Justice Commission                | 0                                            | 1st Mon.                 | VACANT             | CM           | NO                                              | Staff vacancy                                          |
| Commission on Labor                         | 0                                            | 3rd Wed., alternate mon  | Kristen Lee        | HHCS         | NO                                              | Staff assigned to COVID response                       |
| Personnel Board                             | 1                                            | 1st Mon.                 | La Tanya Bellow    | HR           | NO                                              | Staff assigned to COVID response                       |

## RESOLUTION NO. 69,331-N.S.

RATIFYING THE RECOMMENDATIONS ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES AND THE PUBLIC HEALTH OFFICER REGARDING MEETINGS OF BERKELEY LEGISLATIVE BODIES IN RESPONSE TO THE COVID-19 (NOVEL CORONAVIRUS) PANDEMIC

WHEREAS, on March 3, 2020, pursuant to Berkeley Municipal Code section 2.88.040, the City Manager, serving as the Director of Emergency Services, proclaimed the existence of a local emergency; and

WHEREAS, the proclamation was warranted by virtue of the extreme peril to the safety of persons and property in the City caused by pandemic in the form of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus ("COVID-19"), including confirmed cases in California and the San Francisco Bay Area, and presumed cases in Alameda County prompting the County to declare a local health emergency; and

WHEREAS, the proclamation of the Director of Emergency Services was ratified by the City Council on March 10, 2020; and

WHEREAS, the continued spread of COVID-19 and increase in community transmission cases in surrounding counties warrant further measures be taken by the City to protect the community; and

WHEREAS, the Public Health Officer has issued guidelines for limiting mass gatherings; and

WHEREAS, certain limitations on the meetings of legislative bodies in the City of Berkeley is warranted; and

WHEREAS, the continued essential functions of the City and certain legislative bodies must continue for time-sensitive, legally mandated actions; and

WHEREAS, the Director of Emergency Services presented recommendations to the Agenda & Rules Committee on March 12, 2020 regarding the meetings of legislative bodies; and

WHEREAS, the Agenda & Rules Committee recommended that said recommendations be forwarded to the City Council for acknowledgement and ratification.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following recommendations issued by the Director of Emergency Services and the Public Health Officer regarding limitations and practices for legislative bodies of the City of Berkeley are hereby acknowledged and ratified:

## Section 1. Boards and Commissions

Commissions listed below may continue to meet only if they have time-sensitive, legally mandated business to complete, as determined by the Director of Emergency Services. The City may consider teleconferencing for these commissions, if feasible.

Design Review Committee  
Fair Campaign Practices Commission  
Housing Advisory Commission (limited to quasi-judicial activities)  
Joint Subcommittee on the Implementation of State Housing Laws  
Landmarks Preservation Commission  
Open Government Commission  
Personnel Board  
Planning Commission  
Police Review Commission  
Zoning Adjustments Board

Commissions in Category B shall not meet for a period of 60 days. This will be re-evaluated at the Agenda & Rules Committee meeting on April 13, 2020. A Commission in Category B may convene a meeting if it has time-sensitive, legally-mandated business to complete, as determined by the Director of Emergency Services.

### Category B

Animal Care Commission  
Cannabis Commission  
Civic Arts Commission  
Children, Youth, and Recreation Commission  
Commission on Aging  
Commission on Disability  
Commission on Labor  
Commission on the Status of Women  
Community Environmental Advisory Commission  
Community Health Commission  
Disaster and Fire Safety Commission  
Elmwood Business Improvement District Advisory Board  
Energy Commission  
Homeless Commission  
Homeless Services Panel of Experts  
Housing Advisory Commission  
Human Welfare and Community Action Commission  
Measure O Bond Oversight Committee  
Mental Health Commission  
Parks and Waterfront Commission  
Peace and Justice Commission  
Public Works Commission  
Solano Avenue Business Improvement District Advisory Board  
Sugar-Sweetened Beverage Product Panel of Experts

Transportation Commission  
Youth Commission  
Zero Waste Commission  
Loan Administration Board

Section 2. City Council Policy Committees

The Agenda & Rules Committee and the Budget & Finance Committee may continue to meet to fulfill their legislative and advisory responsibilities. All other Policy Committees (Facilities, Infrastructure, Transportation, Environment & Sustainability, Public Safety, Land Use, Housing & Economic Development, and Health, Life Enrichment Equity & Community) are suspended indefinitely. The 120-day deadline to consider an item will be tolled during the suspension of business.

Section 3. City Council


For City Council meetings, the City will continue to advise and implement social distancing by limiting the capacity of the Council Chambers, providing an overflow room, attempting to limit the duration of the meeting, only conducting essential business, and limiting or suspending ceremonial items. The City will adhere to and implement the provisions of the Governor's Executive Order #N-25-20 related to the Brown Act and the utilization of technology to facilitate participation.

The foregoing Resolution was adopted by the Berkeley City Council on March 17, 2020 by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Kesarwani, Robinson, Wengraf, and Arreguin.

Noes: None.

Absent: None.

  
\_\_\_\_\_  
Jesse Arreguin, Mayor

Attest:   
\_\_\_\_\_  
Mark Numalville, City Clerk







Office of the City Manager

October 22, 2020

To: Berkeley Boards and Commissions

From: *DWR* Dee Williams-Ridley, City Manager

Subject: Commission Meetings During COVID-19 Emergency

This memo serves to provide a summary and update of the status of meetings of Berkeley Boards and Commissions during the COVID-19 emergency declaration.

On March 10, 2020, the City Council ratified the proclamation of the Director of Emergency Services for a state of local emergency related to the COVID-19 pandemic. The emergency proclamation has been renewed twice by the Council and remains in effect.

On March 17, 2020, the City Council adopted Resolution No. 69,331-N.S. which placed limitations of the meetings of City legislative bodies, including all boards and commissions. The resolution allows for commissions to meet to conduct time-sensitive, legally mandated business with the authorization of the City Manager. Since that time, several commissions have obtained this approval and held meetings; many other commissions have not met at all since March.

The City Manager has periodically reviewed the status of commission meetings with the City Council Agenda & Rules Committee. Recently, at the October 12, 2020, Agenda & Rules Committee meeting, the City Manager presented a proposal to allow all commissions to meet under limited circumstances. The Committee voted to endorse the City Manager's recommendation.

Effective October 12, 2020, all City boards and commissions may meet once to develop and finalize their work plan for 2021 and to complete any Council referrals directly related to the COVID-19 pandemic response. A second meeting may be held to complete this work with specific authorization by the City Manager. It is recommended that the meeting(s) occur by the end of February 2021.

Commissions that have been granted permission to meet under Resolution No. 69,331-N.S. may continue to meet pursuant to their existing authorization, and may also meet to develop their 2021 work plan.

Commissions that have not requested meetings pursuant to the Resolution No. 69,331-N.S. may meet pursuant to the limitations listed above.

To assist commissions with the development of their work plan and to provide the City Council with a consistent framework to review the work plans, the City Manager has developed the following items to consider in developing the work plan that is submitted to the City Council agenda.

Prompts for Commissions to use in work plan:

- What commission items for 2021 have a direct nexus with the COVID-19 response or are the result of a City Council referral pertaining to COVID-19?
- What commission items for 2021 are required for statutory reasons?
- What commission items for 2021 are required for budgetary or fund allocation reasons?
- What commission items for 2021 support council-adopted or voter-adopted mission critical projects or programs?
- What are the anticipated staff demands (above and beyond baseline) for analysis, data, etc., to support commission work in 2021 (baseline duties = posting agendas, creating packets, attend meetings, minutes, etc.)?

The limitations on commission meetings are due to the need to direct staff resources and the resources of city legislative bodies to the pandemic response. Many of the staff assigned as commission secretaries are engaged in work with the City Emergency Operations Center or have been assigned new specific duties related to the impacts of the pandemic.

Meeting frequency for boards and commissions will continue to be evaluated on a regular basis by the City Manager in consultation with Department Heads and the City Council. More frequent meetings by commissions will be permitted as the conditions under COVID-19 dictate.

Thank you for your service on our boards and commissions. The City values the work of our commissions and we appreciate your partnership and understanding as we address this pandemic as a resilient and vibrant community.

Attachments:

1. Resolution 69,331-N.S.
2. List of Commissions with Meeting Data

cc: Mayor and City Councilmembers  
Senior Leadership Team

RESOLUTION NO. 69,331-N.S.

RATIFYING THE RECOMMENDATIONS ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES AND THE PUBLIC HEALTH OFFICER REGARDING MEETINGS OF BERKELEY LEGISLATIVE BODIES IN RESPONSE TO THE COVID-19 (NOVEL CORONAVIRUS) PANDEMIC

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WHEREAS, the proclamation of the Director of Emergency Services was ratified by the City Council on March 10, 2020; and

WHEREAS, the continued spread of COVID-19 and increase in community transmission cases in surrounding counties warrant further measures be taken by the City to protect the community; and

WHEREAS, the Public Health Officer has issued guidelines for limiting mass gatherings; and

WHEREAS, certain limitations on the meetings of legislative bodies in the City of Berkeley is warranted; and

WHEREAS, the continued essential functions of the City and certain legislative bodies must continue for time-sensitive, legally mandated actions; and

WHEREAS, the Director of Emergency Services presented recommendations to the Agenda & Rules Committee on March 12, 2020 regarding the meetings of legislative bodies; and

WHEREAS, the Agenda & Rules Committee recommended that said recommendations be forwarded to the City Council for acknowledgement and ratification.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following recommendations issued by the Director of Emergency Services and the Public Health Officer regarding limitations and practices for legislative bodies of the City of Berkeley are hereby acknowledged and ratified:

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Human Welfare and Community Action Commission  
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Mental Health Commission  
Parks and Waterfront Commission  
Peace and Justice Commission  
Public Works Commission  
Solano Avenue Business Improvement District Advisory Board  
Sugar-Sweetened Beverage Product Panel of Experts

Transportation Commission  
Youth Commission  
Zero Waste Commission  
Loan Administration Board

Section 2. City Council Policy Committees

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Section 3. City Council


For City Council meetings, the City will continue to advise and implement social distancing by limiting the capacity of the Council Chambers, providing an overflow room, attempting to limit the duration of the meeting, only conducting essential business, and limiting or suspending ceremonial items. The City will adhere to and implement the provisions of the Governor's Executive Order #N-25-20 related to the Brown Act and the utilization of technology to facilitate participation.

The foregoing Resolution was adopted by the Berkeley City Council on March 17, 2020 by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Kesarwani, Robinson, Wengraf, and Arreguin.

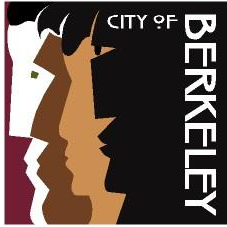
Noes: None.

Absent: None.

  
\_\_\_\_\_  
Jesse Arreguin, Mayor

Attest:   
\_\_\_\_\_  
Mark Numalville, City Clerk





Office of the City Manager

## **SUPPLEMENTAL AGENDA MATERIAL**

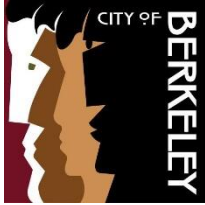
**Meeting Date: March 22, 2021**

**Item Number: 2**

**Item Description: Systems Alignment Proposal**

**Submitted by: Dee Williams-Ridley, City Manager**

The attached revised document contains nonsubstantive changes in word choice and framing. These changes were made to increase clarity and describe the impetus behind the proposal.



Office of the City Manager

February 8, 2021

To: Agenda and Rules Committee  
From: Dee Williams-Ridley, City Manager  
Re: **Systems Alignment Proposal**

The purpose of this memorandum is to propose a process to integrate various systems (e.g, budget, Strategic Plan, prioritization of referrals, etc.) to ensure that resources are appropriately allocated, to focus the organization and employees on those priorities established by the City Council and City Manager, and to enhance legislative and budget processes. Ultimately, aligning systems will help ensure our community's values as reflected in the policies of our City Council are implemented completely and efficiently, with increased fiscal prudence, while supporting more meaningful service delivery. In light of the economic and financial impacts of COVID-19 and resource constraints, it is imperative to improve vetting and costing of new projects and legislative initiatives to ensure success. In addition, the purpose of this proposal will align our work with the budget process.

### **EXECUTIVE SUMMARY**

The proposed changes outlined in this memorandum will better guide and inform budget development, clarify tradeoffs by identifying operational impacts, and develop a more effective and time-efficient path to implementation. These changes support a clear and full realizing of City Council policies, programs, and vision. The major features of the proposal are:

- Changing the order of the legislative process to ensure that Major Items (defined below) passed by Council are funded, as well as folded into staff workplans and staffing capacity,
- Ensuring that Major Items that are adopted by City Council are vetted and clearly identify the resources needed for implementation,
- Consolidating and simplifying reporting and tracking of Major Items, and
- Creating a deadline for each year's Major Items that allows for alignment with prioritization, the Strategic Plan, and the budget process.



## **PROPOSED PROCESS**

The proposed process outlined in this memorandum replaces the current system of referrals (short and long term, as well as Commission referrals), directives, and new proposed ordinances, that is, all Major Items, regardless of “type” or origin will be subject to this process.

### **Step 1: Major Item Determination**

The systems alignment proposal outlines a process for Major Items, defined as meeting one or more of the below conditions:

- Item cannot be operationalized over time with existing resources.
- Item displaces an existing prioritized item.
- Item is not implementable with existing resources.
- Item is unable to sustain enforcement activities.
- Item is subject to legal challenge and/or pre-emption.
- Item requires additional or new full time equivalent (FTE) staff on either a temporary or permanent basis.
- Item requires additional or new infrastructure or technology costs.

The Agenda & Rules Committee, in consultation with the City Manager, will make the initial determination of whether something is a Major Item. At any time in the process, if evidence demonstrates that the initial determination of the proposal as a Major Item proves incorrect, then it is no longer subject to this process.

Special exemptions from this process, due to exigent circumstances, will allow a Major Item to be considered on its own schedule and not subject to the required steps and deadlines in this proposed process. Consideration of exempted Major Items must include trade off considerations to address impacts and/or delays to work already approved and/or underway. Exemptions may be granted for the following:

- grant deadline requirements
- public safety issues
- declared local emergencies

A Major Item must be submitted in time to appear on an agenda of the Agenda & Rules Committee meeting occurring no later than April 30 of every year. Any item submitted after that deadline, that does not meet an exemption, will be continued to the following year’s legislative process.

Major Items will be referred by the Agenda & Rules committee on a rolling basis. Major Items can move through the process on their own schedule provided that they meet the “no later than” deadlines.

### **Step 2: Policy Committee Review**

A Major Item, once introduced, will be referred to one of City Council’s Policy Committees (i.e., Health, Life Enrichment, Equity and Community, Public Safety, etc.) by the Agenda and Rules Committee, for review, recommendation, and high-level discussion of implementation (i.e., ideas, rough cost estimates, benefits, etc.). Per the [Council Rules of Procedure and Order](#), Section III, Subsection 4, the Policy Committee will review for completeness and alignment with

Strategic Plan goals to ensure the Major Item report adequately includes budget implications, administrative feasibility, basic legal concerns, and staff resource demands. If the Major Item receives a positive or qualified positive recommendation, then it will go to an Implementation Conference (See step 3, Vetting and Costing).

If the Major Item receives a negative or qualified negative recommendation, then it will be returned to the Agenda and Rules Committee to be placed on a City Council Agenda. When heard at a City Council meeting, the author can advocate for the Major Item to be sent to an Implementation Conference. If the Major Item does not receive a vote by the majority of City Council at this step, it becomes inactive for that year's legislative calendar but may be reintroduced for the next year's calendar.

City Council Policy Committees must complete review of all Major Items assigned to them no later than July 31 of each year.

### **Step 3: Implementation Conference (Vetting and Costing)**

At an Implementation Conference, the primary author will meet with the City Manager or designee, City Manager-selected staff subject matter experts, and where appropriate, the City Attorney or designee. The intended outcome of an Implementation Conference is a strong analysis containing all of the considerations and resources necessary to support implementation should Council choose to approve the Major Item. The Implementation Conference is an informal meeting where the primary author can collaborate with the City Manager and staff to better define the Major Item and identify more detailed fiscal and operational impacts, such as:

- Are there staff in-house with the appropriate skill set?
- Can this be absorbed by existing staff, staff time, and workload? If not, what is the estimated additional staffing need (e.g., percent FTE, average fully loaded cost for requisite classification, etc.)?
- Are the costs (staff and any other) one-time or ongoing?
- What is the tradeoff? Would the project/item(s) being "traded off" be delayed? If so, how long?
- Operationally, what services would be impacted? How?
- What are the short term impacts on services and/or staff?
- What are the longer term or domino effect impacts on services and/or staff?
- What are the benefits to the organization (e.g., products, services, and/or staff efficiencies)?
- What innovation, improvements, or response to current/new events does it offer/provide?
- Does it align to the Strategic Plan (i.e., reflect deeply held community values)?
- What legal issues or risks are raised by the Major Item and Options to Mitigate?
- What risk management issues are raised by the Major Item and Options to Mitigate?

The information discussed during the Implementation Conference will be summarized in the Council Report as part of a new fiscal impacts section, revised to be more robust as a fiscal and operational impacts section.

After the Major Item's author revises the original Council Report, including fiscal and operational impacts, based on information from the Implementation Conference, the Major Item will be submitted to the Council agenda process.

Implementation Conferences must be completed no later than August 31 of each year.

#### **Step 4: Initial Prioritization**

By July 31 of each year, the City Council Policy Committees will make a recommendation to Council on prioritization of the Major Items they have reviewed. The Policy Committee priority rankings will be submitted to the City Council when the Council is considering items to move forward in the budget and strategic plan process.

#### **Step 5: City Council Approval and Final Prioritization**

Under this proposal, all Major Items that the City Council considers for approved prioritization must have (1) received a City Council Policy Committee review and recommendation, (2) received a City Council Policy Committee prioritization, (3) completed the Implementation Conference, and (4) been placed on the Agenda at a Council meeting in October for approval and prioritization. The full City Council will make four determinations: (1) whether to approve each Major Item, (2) overall prioritization of the item, (3) assignment of fiscal year for each Major Item, and (4) identification of projects or items to remove from existing workload to accommodate new Major Items.

If a Major Item does not receive the endorsement of City Council at this step, it becomes inactive for that year's legislative calendar and may be reintroduced for the next year's calendar.

City Council must complete its review, approval, and prioritization process no later than November 30 of each year.

#### **Step 6: Budget & Strategic Plan Process**

During December and January, city staff will prepare budget proposals that incorporate the ranked City Council Major Item priorities, Strategic Plan, and work plan development. In the late winter/early spring, the City Manager and Budget Office will present the draft budget to Council. This will be followed by department presentations to the Budget and Finance Policy Committee. From late March and through early May, Council and staff will refine the budget. Council will hold budget hearings in May and June, with adoption of the budget by June 30. Although the legislative process (i.e., Policy Committee review, Implementation Conference, Prioritization) is annual, staff recommends the budget process remain bi-annual. A significant mid-cycle budget update can easily accommodate additions to or changes in priorities arising through the legislative process.

The proposed process is depicted in Figure 1.

**Figure 1**

|                                                 |                                                          |     |                                   |
|-------------------------------------------------|----------------------------------------------------------|-----|-----------------------------------|
| <b>Agenda &amp; Rules Committee</b>             | Is this a Major Item?                                    | Yes | No. Place on full Council Agenda. |
| <b>Policy Committee</b>                         | Positive recommendation?                                 | Yes |                                   |
| <b>Implementation Conf. Vetting and Costing</b> | Completed Fiscal & Operational impacts?                  | Yes | No. Continue vetting or withdraw. |
| <b>Policy Committee Initial Prioritization</b>  | Received initial prioritization recommendation?          | Yes | No. Becomes inactive for year.    |
| <b>Full Council</b>                             | Majority approve and prioritize?                         | Yes |                                   |
| <b>Budget &amp; Strategic Plan Process</b>      | Major Items incorporated into Budget and Strategic Plan. |     |                                   |

**Next Steps**

Staff is in the process of reviewing existing referrals and projects for incorporation as Strategic Plan projects in the proposed budget based on staffing and resources (see Attachment 1). City Council may wish to review this backlog of work and consider whether any items should be deferred or cancelled, given the events of 2020, budgetary constraints, and the need to fit the work of the organization to its capacity and current Council priorities. The immediate next steps depend on the timing of systems alignment adoption. The key decision points will be

- What happens with adopted, open referrals?
- What do we do with those items Council has under consideration?

This could result in submitting open items and items under consideration to implementation conference or perhaps directly to prioritization, depending on timing and the existing budget and legislative cycles.

**Benefits**

The addition of an Implementation Conference will ensure that Major Items considered by Council are properly resourced, improving our City’s responsible management of fiscal resources. Analysis from the Implementation Conference will help Council to balance and consider each Major Item within the context of related programs and potential impacts (positive and negative). When considered holistically, new policy implementation can be supportive of existing work and service delivery.

Since the proposed process places the City Council prioritization of Major Items immediately before budget preparation, the Prioritization will guide and inform budget development, including components such as the Strategic Plan and work plans. Fixing the sequencing of the process is a key benefit. Currently, with prioritization occurring in May and June, the budget process is

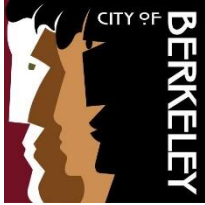
nearing completion when City Council's priorities are finally decided. This leads to inconsistencies between adopted priorities and budgeting for those priorities.

Under the current process, an idea may go into prioritization, proceed to the short term referral list or referred to the budget process. However, the resulting Major Item may not have addressed operational considerations. Adding such items to a department's work at any given time of the year may lead to staff stopping or slowing work on other prioritized projects in order to develop and implement new Major Items. Also, it may be difficult for staff to prioritize their projects: is stopping/slowing of work that is already underway in order to address new items the preference of the full Council?

Also, because consideration of implementation currently occurs after the adoption of a Major Item, features of the adopted language may unintentionally constrain effective implementation, complicating and slowing progress on the Major Item and hindering the effectiveness of the new program or regulation.

With the proposed process, a Major Item does not go through prioritization until there is an opportunity for staff to identify operational considerations. The time when staff and City Council are asked to attend City Council Policy Committees and Implementation Conferences is limited to the first half of the calendar year, allowing both staff and City Council to efficiently calendar and plan accordingly. Finally, since implementation only occurs after operational considerations are reported, and funds are allocated, the resulting Major Item should move more quickly from idea to successful completion.

Attachment 1: Disposition of Referrals, Projects and Audits



Office of the City Manager

February 8, 2021

To: Agenda and Rules Committee  
From: Dee Williams-Ridley, City Manager  
Re: **Systems Alignment Proposal**

The purpose of this memorandum is to propose a process to integrate various systems (e.g, budget, Strategic Plan, prioritization of referrals, etc.) to ensure that resources are appropriately allocated, to focus the organization and employees on those priorities established by the City Council and City Manager, and to enhance legislative and budget processes. In light of the economic and financial impacts of COVID-19 and resource constraints, it is imperative to improve vetting and costing of new projects and legislative initiatives to ensure success. In addition, the purpose of this proposal will align our work with the budget process.

### **EXECUTIVE SUMMARY**

The proposed changes outlined in this memorandum will better guide and inform budget development, clarify tradeoffs by identifying operational impacts, and develop a more effective and time-efficient path to implementation. The major features of the proposal are:

- Changing the order of the legislative process to ensure that Major Items (defined below) passed by Council are funded, as well as folded into staff workplans and staffing capacity,
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- Consolidating and simplifying reporting and tracking of Major Items, and
- Creating a deadline for each year's Major Items that allows for alignment with prioritization, the Strategic Plan, and the budget process.

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The proposed process outlined in this memorandum replaces the current system of referrals (short and long term, as well as Commission referrals), directives, and new proposed ordinances, that is, all Major Items, regardless of “type” or origin will be subject to this process.

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Strategic Plan goals to ensure the Major Item report adequately includes budget implications, administrative feasibility, basic legal concerns, and staff resource demands. If the Major Item receives a positive or qualified positive recommendation, then it will go to an Implementation Conference (See step 3, Vetting and Costing).

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City Council Policy Committees must complete review of all Major Items assigned to them no later than July 31 of each year.

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After the Major Item's author revises the original Council Report, including fiscal and operational impacts, based on information from the Implementation Conference, the Major Item will be submitted to the Council agenda process.

Implementation Conferences must be completed no later than August 31 of each year.



#### **Step 4: Initial Prioritization**

By July 31 of each year, the City Council Policy Committees will make a recommendation to Council on prioritization of the Major Items they have reviewed. The Policy Committee priority rankings will be submitted to the City Council when the Council is considering items to move forward in the budget and strategic plan process.

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Under this proposal, all Major Items that the City Council considers for approved prioritization must have (1) received a City Council Policy Committee review and recommendation, (2) received a City Council Policy Committee prioritization, (3) completed the Implementation Conference, and (4) been placed on the Agenda at a Council meeting in October for approval and prioritization. The full City Council will make four determinations: (1) whether to approve each Major Item, (2) overall prioritization of the item, (3) assignment of fiscal year for each Major Item, and (4) identification of projects or items to remove from existing workload to accommodate new Major Items.

If a Major Item does not receive the endorsement of City Council at this step, it becomes inactive for that year's legislative calendar and may be reintroduced for the next year's calendar.

City Council must complete its review, approval, and prioritization process no later than November 30 of each year.

#### **Step 6: Budget & Strategic Plan Process**

During December and January, city staff will prepare budget proposals that incorporate the ranked City Council Major Item priorities, Strategic Plan, and work plan development. In the late winter/early spring, the City Manager and Budget Office will present the draft budget to Council. This will be followed by department presentations to the Budget and Finance Policy Committee. From late March and through early May, Council and staff will refine the budget. Council will hold budget hearings in May and June, with adoption of the budget by June 30. Although the legislative process (i.e., Policy Committee review, Implementation Conference, Prioritization) is annual, staff recommends the budget process remain bi-annual. A significant mid-cycle budget update can easily accommodate additions to or changes in priorities arising through the legislative process.

The proposed process is depicted in Figure 1 below.

**Figure 1**

|                                                 |                                                          |     |                                   |
|-------------------------------------------------|----------------------------------------------------------|-----|-----------------------------------|
| <b>Agenda &amp; Rules Committee</b>             | Is this a Major Item?                                    | Yes | No. Place on full Council Agenda. |
| <b>Policy Committee</b>                         | Positive recommendation?                                 | Yes |                                   |
| <b>Implementation Conf. Vetting and Costing</b> | Completed Fiscal & Operational impacts?                  | Yes | No. Continue vetting or withdraw. |
| <b>Policy Committee Initial Prioritization</b>  | Received initial prioritization recommendation?          | Yes | No. Becomes inactive for year.    |
| <b>Full Council</b>                             | Majority approve and prioritize?                         | Yes |                                   |
| <b>Budget &amp; Strategic Plan Process</b>      | Major Items incorporated into Budget and Strategic Plan. |     |                                   |

**Next Steps**

Staff is in the process of reviewing existing referrals and projects for incorporation as Strategic Plan projects in the proposed budget based on staffing and resources (see Attachment 1). City Council may wish to review this backlog of work and consider whether any items should be deferred or cancelled, given the events of 2020, budgetary constraints, and the need to fit the work of the organization to its capacity and current Council priorities. The immediate next steps depend on the timing of systems alignment adoption. The key decision points will be

- What happens with adopted, open referrals?
- What do we do with those items Council has under consideration?

This could result in submitting open items and items under consideration to implementation conference or perhaps directly to prioritization, depending on timing and the existing budget and legislative cycles.

**Benefits**

Since the proposed process places the City Council prioritization of Major Items immediately before budget preparation, the Prioritization will guide and inform budget development, including components such as the Strategic Plan and work plans. Fixing the sequencing of the process is a key benefit. Currently, with prioritization occurring in May and June, the budget process is nearing completion when City Council’s priorities are finally decided. This leads to inconsistencies between adopted priorities and budgeting for those priorities.

Under the current process, an idea may go into prioritization, proceed to the short term referral list or referred to the budget process. However, the resulting Major Item may not have addressed operational considerations. Adding such items to a department’s work at any given time of the year may lead to staff stopping or slowing work on other prioritized projects in order to develop and implement new Major Items. Also, it may be difficult for staff to prioritize their

projects: is stopping/slowing of work that is already underway in order to address new items the preference of the full Council?

Also, because consideration of implementation currently occurs after the adoption of a Major Item, features of the adopted language may unintentionally constrain effective implementation, complicating and slowing progress on the Major Item and hindering the effectiveness of the new program or regulation.

With the proposed process, a Major Item does not go through prioritization until there is an opportunity for staff to identify operational considerations. The time when staff and City Council are asked to attend City Council Policy Committees and Implementation Conferences is limited to the first half of the calendar year, allowing both staff and City Council to efficiently calendar and plan accordingly. Finally, since implementation only occurs after operational considerations are reported, and funds are allocated, the resulting Major Item should move more quickly from idea to successful completion.

Attachment 1: Disposition of Referrals, Projects and Audits



Office of the City Manager

January 28, 2021

To: Budget and Finance Policy Committee  
From: Dee Williams-Ridley, City Manager  
Submitted by: Melissa McDonough, Senior Management Analyst  
Subject: Disposition of Referrals, Projects, and Audits – No Action Required

Staff is in the process of reviewing existing referrals and projects for incorporation as Strategic Plan projects in the proposed FY 22 budget based on staffing and resources (see Attachment). During this time of pandemic and economic constraint, the existing backlog of approximately 509 items: 249 referrals, 75 open audit recommendations, and 185 Strategic Plan projects will need to be carefully considered, alongside other important current work such as:

- Administering the COVID-19 vaccine,
- Implementing recently approved ballot measures,
- Reimagining public safety,
- Measure T1 implementation,
- Vision 2050,
- Addressing homelessness,
- Upcoming labor negotiations, and
- Continuing to address COVID-19 impacts on public health, people's housing stability and livelihood, as well as the local economy.

The attached list summarizes the disposition of open referrals, projects, and audit recommendations, including wherever possible, indication of available budget and staffing resources. The Policy Committee may wish to review this backlog of work and consider whether any items should be deferred, or cancelled, given the events of 2020, budgetary constraints, the need to fit the work of the organization to its capacity and current Council priorities, and the age of some items (e.g., the oldest referral dates to a 2011 City Council meeting).

Please see the attached document and contact me with any questions, including requests for more information regarding any particular referral(s), project(s), or audit recommendation(s).

Attachment:

Disposition of Referrals, Projects, and Audits

Disposition of Referrals, Projects and Audits

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                                                                                                                                                                                                                                                                      | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Percent Complete | State | Lead City Department  | Commission? | Underway? | Funded? | Grant funding likely?                                     | Required by legislative mandate? | Achievable in ~2 years?       | Have adequate staff resources for? |
|-----|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------|-----------------------|-------------|-----------|---------|-----------------------------------------------------------|----------------------------------|-------------------------------|------------------------------------|
| 1   | Council and Budget Referrals - Demand | Adopt a resolution in support of the Good Food Purchasing Program's core values and join San Francisco, Oakland, Los Angeles and Chicago as one of the first five cities nationwide to become a Good Food Purchasing partner, and refer to the City Manager to incorporate over time the vision and standards of the Good Food Purchasing Program (GFPP) into City of Berkeley food purchasing practices. | Adopt a resolution in support of the Good Food Purchasing Program's core values and join 28 public institutions across 14 U.S. cities, including San Francisco, Oakland, Los Angeles, Chicago, and Washington, D.C. to endorse Good Food Purchasing values, and refer to the City Manager to incorporate over time the vision and standards of the Good Food Purchasing Program (GFPP) into City of Berkeley food purchasing practices.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | N/A              | Draft | City Manager's Office | N           | N         | N       | N                                                         | N                                | N                             | N                                  |
| 2   | Council and Budget Referrals - Demand | Budget Referral: Youth Listening Campaign & Citywide Master Plan                                                                                                                                                                                                                                                                                                                                          | Amended to include Youth Commission. In support of the 2020 Vision process and as part of the larger commitment of the City of Berkeley to its young people, we are proposing a planning process that centers the voices and needs of young people, their families and the people who support them day-in and day-out. The process would include: 1) A Listening Campaign that would include focus groups, surveys and one-on-one interviews to identify the experiences of, perspectives of, needs of and barriers for young people, ages 13-24, in securing and maintaining safety and well-being, achieving their goals and dreams, and having positive and supportive relationships with adults in their lives, including the schools and programs they participate in; 2) Use the results of the Listening Campaign to organize assemblies of young people, their families and the programs and providers they are connected to in order to collectively reflect on the results and identify potential services, programs, resources and policies that could respond to their needs, reduce barriers and harms and broaden what is available to support young people; and 3) Use the outcomes from the assembly process and Listening Campaign to partner with city staff in creating a Youth Master Plan. | N/A              | Draft | City Manager's Office | Y           | N         | N       | Pursuing grant funding for a similar initiative (Prop 64) | N                                | Y (if grant funding acquired) | Y (if grant funding acquired)      |

Note: All referrals are entered into the database as a "Demand" draft. If it is a short term referral, it is immediately converted into a "Project". For long term referrals, typically, once work has begun, they are converted from Demands to Projects.

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                   | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Percent Complete | State | Lead City Department  | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years?     | Have adequate staff resources for? |
|-----|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------|-----------------------|-------------|-----------|---------|-----------------------|----------------------------------|-----------------------------|------------------------------------|
| 3   | Council and Budget Referrals - Demand | Changes to the Berkeley Municipal Code and City of Berkeley Policies with Respect to Local Emergency Declarations and First Amendment Curfews - Item A | 1. Direct the City Manager to return to the City Council for adoption amendments to the Berkeley Municipal Code and/or policies to approve that clarify and codify the following concepts with respect to the declaration of a Local Emergency:<br>a. A Local Emergency can only be declared by the Director of Emergency Services if a regular or special meeting and session of the City Council cannot be called due to physical impossibility of holding a meeting, because a quorum cannot be established, or because the urgency of the Local Emergency is such that waiting 24 hours for the City Council to convene a session and/or Special Meeting would endanger the community;<br>b. Should the Director declare a Local Emergency without action of the City Council (due to one of the reasons stated at (a), above), the City Manager should inform councilmembers immediately and Council ratification of such action should occur at the first possible opportunity, even if it requires calling a Special Meeting and/or session of the Council; and<br>c. The applicable statutory and legal standards (Federal, State and Local) for calling a Local Emergency shall be presented to the City Council when seeking declaration or ratification of a Local Emergency, along with facts to support meeting those standards, so that the City Council, likely acting under rushed and exigent circumstances, is able to make a carefully considered and fact-based determination that declaration of such Local Emergency conforms with the legal standards presented to it. | N/A              | Draft | City Manager's Office | N           | N         | Y       | N                     | N                                | Y (part of post-COVID work) | N                                  |
| 4   | Council and Budget Referrals - Demand | Construct Additional Taxi Stands and Relocate One Stand Within the City                                                                                | That the Council refer to the City Manager the construction of seven taxi stands in total and the relocation of one stand in the City to improve accessibility for pedestrians, create visibility, and increase profits for taxi drivers. These taxi stands should be constructed at the following sites: Two stands at Hotel Shattuck; Two stands at the Doubletree Hotel; Two stands at Telegraph & Bancroft or Durant & Telegraph; and One stand at Bancroft Hotel. In addition, the Ashby BART taxi stand shall be relocated closer to the station entrance on MLK Jr. Way.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | N/A              | Draft | City Manager's Office | N           | N         | N       | N                     | N                                | N                           | N                                  |
| 5   | Council and Budget Referrals - Demand | Create and Implement Additional Sensitivity Training Options for Taxi Drivers                                                                          | That the Council refer to the City Manager the creation and implementation of one of the following two additional options for sensitivity trainings to allow for more accessibility for new and continuous taxi drivers. Firstly, an online sensitivity training course should be created and implemented in the City's current taxi checklist. Secondly, there should be a designated sensitivity training site readily accessible within the City.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | N/A              | Draft | City Manager's Office | N           | N         | N       | N                     | N                                | N                           | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                                                | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Percent Complete | State | Lead City Department  | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 6   | Council and Budget Referrals - Demand | Freedom from Domestic Violence as a Human Right Resolution                                                                                                                          | Adopt the Freedom from Domestic Violence as a Human Right Resolution. City Manager shall prepare a report within the next six (6) months on the policy and practice of City departments on domestic violence, including but not limited to, the Berkeley Police, the Berkeley Fire Department, and Health, Housing & Community Services, with respect to the status of domestic violence and the City's work to overcome domestic violence and support survivors. BE IT FURTHER RESOLVED that City departments shall work to incorporate this Resolution into their work.                                                                                                                                                                                                                                                                                                               | N/A              | Draft | City Manager's Office | N           | N         | N       | N                     | N                                | Y                       | N                                  |
| 7   | Council and Budget Referrals - Demand | Personal Delivery Service Franchise Agreements                                                                                                                                      | Referral to the City Manager's Office to develop a program that would enable the City to consider franchise applications for personal delivery service companies involving personal delivery devices.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | N/A              | Draft | City Manager's Office | N           | N         | N       | N                     | N                                | N                       | N                                  |
| 8   | Council and Budget Referrals - Demand | Referral to City Manager to address the conversion of Not Available To Rent rental units to unregistered short term rentals and unregistered medium term rentals from 15 to 30 days | Referral to City Manager to address the apparent conversion of Not Available To Rent rental units to unregistered Short Term Rentals and unregistered medium term rentals from 15 to 30 days. Refer to Planning Permit Service Center, Code Enforcement, Finance Department, Rent Stabilization Board, and Host Compliance, to comprehensively review whether units that are not available for rent (NAR) are compliant with Rent Board Regulations, and short-term rental (STR) regulations.                                                                                                                                                                                                                                                                                                                                                                                           | N/A              | Draft | City Manager's Office | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 9   | Council and Budget Referrals - Demand | Referral to the Community Environmental Advisory Commission: Cigarette Butt Pollution Prevention Program in South Berkeley                                                          | Refer to the Community Environmental Commission (CEAC) AND THE CITY MANAGER to consider developing a Cigarette Butt Pollution Prevention Program for South Berkeley. Explore the following items: a) Location. Work with the local business associations, business owners, as well as other neighborhood and community organizations to identify key locations for cigarette butt receptacles. b) Operation. Work with local businesses to develop a system for cleanup and disposal of the contents of the receptacles. c) Cost. Identify any one-time costs associated with the program, including purchasing and installation of the receptacles. Identify any costs that should be set aside for maintenance. There should not be regular ongoing costs. CEAC should work with the businesses and neighborhoods to develop a community-based system to facilitate daily operations. | N/A              | Draft | City Manager's Office | Y           | N         | N       | N                     | N                                | Y                       | Y                                  |



**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                   | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Percent Complete | State | Lead City Department  | Commission? | Underway? | Funded? | Grant funding likely?  | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 10  | Council and Budget Referrals - Demand | Siting the African American Holistic Resource Center and Affordable Housing at 1890 Alcatraz                                           | That the City Council refers to the City Manager to study the feasibility of using the city-owned property located at 1890 Alcatraz Avenue (currently temporary Mental Health Division offices) for the African American Holistic Resource Center (AAHRC) and also developing affordable housing on the site. The City Manager should report back on the costs and implementation steps to repurpose the property for the AAHRC using the AAHRC Feasibility study as a guide, including what physical improvements would need to be made, and cost for ongoing operations by a non-profit. The City Manager and Planning should also conduct an analysis of potential site capacity looking at site context and yield and report on how much housing could be developed on the site under current zoning, including the AAHRC on the ground floor. Additionally, the City Manager and Planning Commission should incorporate the Community Preference policy in selecting applicants for the affordable housing units created by this project. AAHRC Steering Committee to be consulted during implementation.                                                                                                                                                                                                                                                                         | N/A              | Draft | City Manager's Office | N           | Y         | Partial | Pursuing grant funding | N                                | N                       | N                                  |
| 11  | Council and Budget Referrals - Demand | Urgent Item: Create an Interjurisdictional Group Violence Intervention Program "GVI," or "Operation Ceasefire," to Reduce Gun Violence | Refer to the Community Engagement Process for Reimagining Public Safety creation of a Group Violence Intervention Program (GVI), or "Operation Ceasefire," that will assemble a Berkeley-centered interjurisdictional working group of community members, law enforcement personnel, and supportive services providers to address gun violence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | N/A              | Draft | City Manager's Office | N           | Y         | Y       | N                      | N                                | Y                       | Y                                  |
| 12  | Council and Budget Referrals - Demand | City Manager Referral to Update City's Municipal Code To Increase Competitiveness of Taxi Industry                                     | That the Council refer to the City Manager to update the City's municipal code sections 9.52.020, 9.52.070, 9.04.020, and 9.04.035 to reflect the following items, in order to increase the competitiveness of our local taxi industry: 3. Allow the annual vehicle inspection to be conducted by either a city employee or an ASI-certified mechanic.; 4. Construct a general policy that would allow taxi stands to operate near newly constructed and existing hotels in the city of Berkeley.; 5. Move the Ashby BART Taxi Stand outside of the BART station to neighboring M.L.K. Jr. Way, in order to increase visibility for taxis.; 6. Extend the exemption of the Low Emission Requirements for vans to taxis due to the unavailability of similarly sized hybrid vehicles.; 7. Extend the validity period of taxi driver ID permits to three years, replacing the current policy of yearly renewals. In addition, all existing permits to January 1, 2018 should perform a net renewal on January 1, 2021.; 8. Waive insurance payments for taxi drivers who must take a leave of absence in case of emergency.; 9. Evaluate the Taxi Driver Association's proposal that the city of Berkeley should change the entire renewal process, including renewal of both physical and mechanical inspections, business licenses, and taxi driver IDs, from one year to three years. | N/A              | Draft | City Manager's Office | N           | N         | N       | N                      | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                    | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Percent Complete | State    | Lead City Department                                                                | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 13  | Council and Budget Referrals - Demand | Use of Gender Neutral Language in City Documents                                                        | Refer to the City Manager to: 1. Develop and return to Council with a procedural and financial plan to modify all appropriate City forms to include an optional field for personal gender pronouns (she/her, he/him, they/them, and space to specify other). 2. Develop and return to Council with a procedural and financial plan to revise the Berkeley Municipal Code to replace all instances of gendered pronouns with the singular "they," and amend Sections 1.04.020, 4.36.110, 4.38.110, 4.39.110, and 11.08.050 regarding grammatical interpretation to indicate that whenever a gender neutral personal pronoun is used, it shall be deemed to include the feminine and masculine also.                                                                                                                            | N/A              | Draft    | City Manager's Office                                                               | N           | N            | N            | N                     | N                                | N                       | N                                  |
| 14  | Council and Budget Referrals - Demand | Companion Report: Ban on Receipts Made with Bisphenol A (BPA) and Other Phenols                         | Take no action on the Community Health Commission recommendation to adopt an ordinance to ban the use of thermal paper by 2020 and instead implement a community education effort about methods for reducing exposure to BPA-treated thermal paper. Approved the recommendation with the amendment requesting that staff conduct a survey to determine how many businesses are using receipts with BPA.                                                                                                                                                                                                                                                                                                                                                                                                                       | N/A              | Draft    | City Manager's Office/Health, Housing & Community Services                          | N           | N            | N            | N                     | N                                | Data Pending            | Data Pending                       |
| 15  | Council and Budget Referrals - Demand | Revitalization of the Civic Center Park Fountain                                                        | Refer to the City Manager to work with the Turtle Island Fountain Project in developing a plan to revitalize the fountain at Martin Luther King Jr. Civic Center Park and consider this referral as part of the Civic Center Park visioning RFP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | N/A              | Draft    | City Manager's Office/Office of Economic Development/Parks, Recreation & Waterfront | N           | Y            | Partial      | N                     | N                                | Y                       | Y                                  |
| 16  | Council and Budget Referrals - Demand | Ronald V. Dellums Fair Chance Access to Housing Ordinance; Adding BMC Chapter 13.106                    | 1. Adopt a first reading of the Ronald V. Dellums Fair Chance Access to Housing Ordinance and;<br>2. Direct the City Manager to take all necessary steps to implement this chapter including but not limited to developing administrative regulations in consultation with all relevant City Departments including the Rent Stabilization Board, preparing an annual implementation budget, designating hearing officers and other necessary staffing for administrative complaint, exploring the development of a compliance testing program similar to that used by the Seattle Office of Civil Rights, developing timelines and procedures for complaints, conducting outreach and education in partnership with the Alameda County Fair Chance Housing Coalition, and referring program costs to the June budget process. | N/A              | Draft    | City Manager's Office/Rent Board/Health, Housing & Community Services               | N           | Y            | N            | N                     | N                                | Y                       | N                                  |
| 17  | Council and Budget Referrals - Demand | 6. City Manager Referral: Standardize Finance Categories of Software and Exclusively Internet Companies | Refer to the City Manager creating one simple clear standard for categorizing software companies and exclusively internet companies that do business in Berkeley                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | N/A              | Approved | Finance                                                                             | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 18  | Council and Budget Referrals - Demand | Ban-the-Box for Employers Doing Business with the City of Berkeley                                      | Request that the City Manager draft language requiring businesses doing business with the City of Berkeley to eliminate disclosure of conviction history prior to receiving a conditional offer of employment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | N/A              | Approved | Finance                                                                             | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                        | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Percent Complete | State     | Lead City Department      | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 19  | Council and Budget Referrals - Demand | City Manager Referral: Improvements to Berkeley's Very Low Income Tax Relief Refund Program | Refer to the City Manager to make improvements to Berkeley's Very Low Income Refund Program.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | N/A              | Approved  | Finance                   | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 20  | Council and Budget Referrals - Demand | Comprehensive Investment Policy based on ESG Principles                                     | Refer to the City Manager to consider the integration of ESG (environmental, social and governance) principles into the current City of Berkeley Investment Policy framework and return to Council with a recommendation.                                                                                                                                                                                                                                                                                                                                                                              | N/A              | Approved  | Finance                   | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 21  | Council and Budget Referrals - Demand | Referral Response: Gender Pay Equity                                                        | 1. Direct staff to draft an ordinance related to an equal pay vendor preference for city contractors who demonstrate equal pay for male and female employees (gender based on self-identification)<br>3. Develop an equal pay certification program for city contractors.                                                                                                                                                                                                                                                                                                                              | N/A              | Draft     | Finance                   | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 22  | Council and Budget Referrals - Demand | Socially Responsible Banking Services for the City of Berkeley                              | Request that the City Manager initiate a process for proposals from providers of banking services that uses criteria articulated in the 2013 process, but adds and emphasizes criteria related to ethical business practices. Ask for an extension of the existing contract with Wells Fargo should additional time be needed. Also, include consideration of provisions of a socially responsible banking policy such as elements of social and environmental justice, requirement for a code of fair treatment, low pay inequity between executives and rank and file, and support for human rights. | N/A              | Approved  | Finance                   | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 23  | Council and Budget Referrals - Demand | City Manager Referral to Improve Fire Safety Standards for Rebuilt Fire-Damaged Structures  | Refer to the City Manager to require repair and replacement of fire damaged buildings to be brought up to current fire safety standards.                                                                                                                                                                                                                                                                                                                                                                                                                                                               | N/A              | Submitted | Fire & Emergency Services | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Percent Complete | State | Lead City Department                 | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 24  | Council and Budget Referrals - Demand | Companion Report: Smoke-Free Multi-Unit Housing Ordinance Policy and Enforcement Modifications                                      | On September 29, 2020, the Health, Life Enrichment, Equity & Community Committee made a qualified positive recommendation to send the item to Council including the following referrals: 1. Refer to staff to explore expanding the Ordinance to buildings with one unit; 2. Refer to staff to explore and consider improvements in the interface between the residential and commercial non-smoking Ordinances in mixed-use buildings; 3. Refer to staff to create a web-based complaint filing mechanism/service; 4. Refer to staff to create special protocols for chronic situations and to consider including requirements for better air filtration and purification as well as other measures to effectively manage chronic cases; 5. Refer to staff to study the infraction and enforcement mechanisms and determine if they have any benefits and to consider other potential enforcement end points; 6. Refer to staff to look for opportunities for bias in enforcement and mechanisms to better guard against bias while still allowing for maximum action to resolve legitimate complaints; 7. Refer to staff to propose funding sources for enforcement; 8. Refer to staff to collect demographic data around complaints and targets of complaints (as much as possible); and 9. To return to Council with Ordinance amendments to accomplish the following: (a) amend or remove the 10-day language element (b) modify or remove the 2-complainant rule if warranted (c) adjust for the medical cannabis state law changes, (d) propose any and all other improvements beneficial to the Ordinance. | N/A              | Draft | Health, Housing & Community Services | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 25  | Council and Budget Referrals - Demand | Companion Report: The SSBPPE Commission's Proposed Policy to Refrain from Procuring, Selling, and Serving Sugar-Sweetened Beverages | Refer both Item 26a and 26b to the City Manager and request that the City Manager draft an ordinance for consideration by the City Council. Original Comm Recommendation: "...adopt an Ordinance amending the Administrative Code to direct the City of Berkeley departments and City food services contractors to refrain from: 1. Procuring sugar-sweetened beverages with City funds; 2. Selling sugar-sweetened beverages on City property, including in vending machines; and 3. Serving sugar-sweetened beverages at City meetings and events on City property."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | N/A              | Draft | Health, Housing & Community Services | N           | Y            | N            | N                     | N                                | Y                       | N                                  |
| 26  | Council and Budget Referrals - Demand | Developing a Mechanism to Facilitate an Improved Homeless Point-In-Time Count                                                       | The Homeless Commission recommends to Council that Council refer to staff to assign an intern or seek a volunteer affiliation, through an educational institution, to conduct outreach to, and engage with, community stakeholders including homeless advocates and persons who are experiencing or have experienced homelessness, to identify how homeless persons can be more thoroughly counted during the upcoming 2021 Berkeley Homeless Point-In-Time count.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | N/A              | Draft | Health, Housing & Community Services | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                                                                                                                                                              | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Percent Complete | State | Lead City Department                 | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 27  | Council and Budget Referrals - Demand | Development of the West Berkeley Service Center, 1900 6th Street, for Senior Housing with Supportive Services [Part c]                                                                                                                                                                            | <p>State the intent of the City Council that the West Berkeley Service Center property, 1900 6th Street, will be used for senior housing with on-site services consistent with Age Friendly Berkeley Plan recommendations, maximizing the number of affordable units.</p> <p>The Berkeley Way Project, 2012 Berkeley Way, is the City's top affordable housing priority. The West Berkeley Service Center, as a City-owned property, to be developed for affordable housing falls under the "High Priority" on the list of housing initiatives passed by Council on November 28, 2017. In light of the above, refer to the City Manager to take the following actions to initiate the process of developing senior housing at the West Berkeley Service Center:</p> <p>c. Based on recommendations from the Health, Housing and Community Services Department, the Housing Advisory Commission, Measure O Bond Oversight Committee, Commission on Aging, and taking into consideration requirements and restrictions associated with potential funding sources, create recommendations to Council regarding levels of affordability, unit sizes, on-site services and other features to be included in a senior housing and social services development, including senior living housing types. These recommendations will be presented to the City Council to inform the issuance of an RFP.</p> | N/A              | Draft | Health, Housing & Community Services | N           | N            | N            | N                     | N                                | N                       | N                                  |
| 28  | Council and Budget Referrals - Demand | Home Share Pilot Program Recommendation                                                                                                                                                                                                                                                           | Item 26a moved to the Consent Calendar to refer to the City Manager the possibility of working within existing similar programs such as Safe Home and Ashby Village.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | N/A              | Draft | Health, Housing & Community Services | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 29  | Council and Budget Referrals - Demand | Referral to the City Manager and the Housing Commission to Consider Creating a Dedicated Revenue Stream from Campus Area Projects to Fund Housing for Homeless and Extremely Low Income Students, and Drafting a Letter Encouraging Exploration of University Funding streams for student housing | Refer to the City Manager and Housing Commission to consider in partnership with the proposed density bonus in the campus area and other policies directed at increasing student housing, creating a dedicated revenue stream to fund housing for homeless and extremely low income students using methods of identifying eligible students based on one or more of the following criteria: EOP, FAFSA, Pell Grant, Work Study qualified, family income or other verifiable status as well as similar categories applicable to graduate students.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | N/A              | Draft | Health, Housing & Community Services | Y           | N            | N            | N                     | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                               | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Percent Complete | State | Lead City Department                 | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 30  | Council and Budget Referrals - Demand | Budget Referral: Transportation to Support Mobility-Impaired Individuals Experiencing Homelessness who are Engaged in Rehousing and other Services | "Refer to the budget process to allocate funds to provide transportation for mobility-impaired individuals experiencing homelessness who are engaged with rehousing and other services through the STAIR Center, The Hub, or other City of Berkeley-funded homeless services. Refer to staff to determine needs and establish the best method for providing transit services to mobility-impaired individuals, and to also consider potential transit needs of other individuals engaged with rehousing and homeless services. For the mobility-impaired, options include, but are not limited to, helping one or more service providers to purchase or lease wheelchair-accessible vehicle(s), or to repair or retrofit currently owned vehicle(s), providing additional vouchers for existing Paratransit services, providing additional taxi scripts (as recommended by the Homeless Commission), or contracting with a suitable transportation service. Also consider making mobility services and transportation available during enforcement activities, both for people and belongings. Consistent with the Americans with Disabilities Act (ADA), vehicles purchased, leased, or otherwise procured for the mobility-impaired should include the option of/access to a boarding device (e.g. lift or ramp) so that a passenger who uses a wheelchair or mobility device can reach a securement location onboard." | N/A              | Draft | Health, Housing & Community Services | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 31  | Council and Budget Referrals - Demand | Paid Family Leave Policy in Berkeley to Supplement California Paid Family Leave Program                                                            | That the City Council adopt this policy and refer to the City Manager and City Attorney to amend the proposed ordinance based on the recommendations of the Paid Family Leave (PFL) Subcommittee and to conform to legal and code consistency requirements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | N/A              | Draft | Human Resources                      | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                                   | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Percent Complete | State    | Lead City Department           | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 32  | Council and Budget Referrals - Demand | Whistleblower Ordinance - Revised materials (Supp 2)                                                                                                                   | The purpose of this proposal is to protect the whistleblowers from many forms of retaliation, including but not limited to discrimination, harassment, intimidation, alienation, and in some cases even termination. The following recommended actions can be considered to comply with the aforementioned purpose:<br>1. Adopt the attached ordinance that provides legal safeguards which protect whistleblowers from retaliation.<br>2.a. Assign the responsibilities to a current city department to accept and investigate such reports/complaints from whistleblowers within the existing resources.<br>Or<br>b. Create a separate unit within the department or establish a contract with an independent contractor to be managed by the city department to accept and investigate such reports/complaints from current employees and the public.<br>Or<br>c. Establish a contract with an independent contractor to provide a "hotline" that would then turn the complaint over to the city unit for further investigation. | N/A              | Approved | Human Resources                | N           | Y         | N       | N                     | Y                                | Y                       | N                                  |
| 33  | Council and Budget Referrals - Demand | Referral to the City Manager to consider the videotaping of Planning Commission meetings                                                                               | That the City Council refer to the City Manager to consider ways of videotaping the Planning Commission meetings in the same manner as Zoning Adjustment Board meetings.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | N/A              | Draft    | Information Technology         | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 34  | Council and Budget Referrals - Demand | City Manager Referral: Consider Mitigations for Minimum Wage Increases to Support Small Businesses and Non-Profits by Addressing Parking, Permit and High Rents Issues | Refer to the City Manager to consider mitigations for minimum wage increases to support small businesses and non-profits by attempting to address parking and permits. Request that the Office of Economic Development report on other methods to mitigate the impacts of minimum wage increases on small businesses.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | N/A              | Approved | Office of Economic Development | N           | N         | N       | N                     | N                                | Data Pending            | Data Pending                       |
| 35  | Council and Budget Referrals - Demand | Solano Avenue Economic Development Study                                                                                                                               | Refer to the City Manager to undertake a comprehensive study of the Solano Avenue Commercial District, to provide baseline information for future strategic planning and business development and initiatives that will result in increased tax revenues for the City of Berkeley, and to report to the Council on a priority basis, at an upcoming worksession.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | N/A              | Draft    | Office of Economic Development | N           | N         | N       | N                     | N                                | Y                       | N                                  |
| 36  | Council and Budget Referrals - Demand | Vitality of University Avenue                                                                                                                                          | Refer to the City Manager and Economic Development to analyze storefront vacancies on University Avenue and make recommendations on how to create a more vibrant streetscape on our main boulevard.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | N/A              | Draft    | Office of Economic Development | N           | N         | N       | N                     | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                        | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Percent Complete | State    | Lead City Department             | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 37  | Council and Budget Referrals - Demand | Budget Referral: Increasing Safety at San Pablo Park                                                                        | 3. Re-initiate classes for daycare providers who use San Pablo Park out of the Frances Albrier Community Center: Historically, the City provided a variety of classes on safety and recreation for daycare providers who use San Pablo Park. This referral includes re-establishing a series of courses that daycare providers find useful based on gathering their input. One such course requested was sheltering in place in the situation of an active shooter.                                                                                                                                                                                                                                                     | N/A              | Draft    | Parks, Recreation & N Waterfront |             | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 38  | Council and Budget Referrals - Demand | Consider Fire Safety Options for Fire Pit at Codornices Park                                                                | Referral to the Parks & Waterfront Commission to consider safety options regarding the future of the fire pit at Codornices Park. Please consider 1) Complete removal of fire pit or 2) Manufacture of a cover that can be secured and locked.                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | N/A              | Approved | Parks, Recreation & Y Waterfront |             | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 39  | Council and Budget Referrals - Demand | Evaluation of Possible Ban on New Planting of Certain Tree Species                                                          | Take action to either: a) Direct the City Manager to proceed with Option 1, and continue the City's current practice regarding tree plantings on City property, which currently do not include Eucalyptus, and Monterey Pine (except at the Marina).-OR- b) Adopt a Resolution as described in Option 2 that would ban the new planting of certain tree species on City property. -OR-c) Direct the City Manager to develop an ordinance for Council adoption that bans the new planting of certain tree species on both public and private property, and includes enforcement mechanisms.                                                                                                                              | N/A              | Approved | Parks, Recreation & N Waterfront |             | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 40  | Council and Budget Referrals - Demand | Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley             | 1. Refer to the City Manager to incorporate relevant elements of the Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley, submitted to the City Council by the Commission on Disability, into the Berkeley Pedestrian Master Plan currently being updated, and any other planning processes for which the report would provide relevant information.<br>2. Refer to the Public Works and Parks and Waterfront Commissions to return to Council reports on ways that elements of the Navigable Cities Framework can be incorporated into the work, projects, contracts, and policies of the Public Works and the Parks, Recreation & Waterfront Departments. | N/A              | Draft    | Parks, Recreation & Y Waterfront |             | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 41  | Council and Budget Referrals - Demand | Refer the City Manager to Improve the Current Tree Ordinance and Seek Funding Opportunities to Plant More Trees in the City | That the Council refer the City Manager to improve the current tree ordinance to protect more trees, develop policy on street tree/hardscape conflicts, encourage more community initiative and participation in the maintenance and care of our street trees and seek potential funding opportunities to plant more trees in Berkeley and funds to maintain new and existing trees on public property.                                                                                                                                                                                                                                                                                                                 | N/A              | Draft    | Parks, Recreation & N Waterfront |             | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |



**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Percent Complete | State | Lead City Department | Commission?                  | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 42  | Council and Budget Referrals - Demand | 2-Lane Option on Adeline St. between MLK Way and Ward St.                           | Refer to the City Manager to analyze the potential for a major redesign of the section of Adeline St. between MLK Way and Ward St., to improve the public space to increase safety for pedestrians, cyclists, and people living with disabilities, while also meeting the needs of public transit and emergency vehicles and to also consider potential use of portions of the redesign area for use as a shared community plaza. The analysis should prioritize a 2-lane option that reduces the width of the street and creates many benefits for our community and include exploration of demonstration projects for study. Specific project designs should be reviewed by the Transportation Commission. Refer \$250,000 to the budget process to fund this important project. | N/A              | Draft | Planning             | N                            | N         | Y       | Y                     | N                                | Y                       | Y                                  |
| 43  | Council and Budget Referrals - Demand | Amendments to Berkeley Municipal Code 23C.22: Short Term Rentals                    | 1. Refer to the City Manager to come up with a program to clarify existing short term rental regulations in areas that have proven confusing to hosts, guests and tenants.<br>2. Refer ordinance considering Short Term Rental regulations including host platform responsibilities and possible remedies for violating the ordinance simultaneously to the Land Use, Housing and Economic Development Committee and the Planning Commission.                                                                                                                                                                                                                                                                                                                                      | N/A              | Draft | Planning             | Y                            | N         | N       | N                     | N                                | Y                       | N                                  |
| 44  | Council and Budget Referrals - Demand | Berkeley Electric Mobility Roadmap - Electric Mobility Implementation Working Group | Adopt a Resolution approving the Berkeley Electric Mobility Roadmap and refer to the City Manager to form an Electric Mobility Implementation Working Group, including community stakeholders, relevant commissions, to prioritize, support, and track implementation of the other actions of this plan, including identification of funding sources for implementation.                                                                                                                                                                                                                                                                                                                                                                                                           | 10.00            | Draft | Planning             | N                            | Y         | N       | N                     | N                                | Y                       | N                                  |
| 45  | Council and Budget Referrals - Demand | Berkeley Opportunity Zone Displacement Mitigation Zoning Overlay                    | Direct the City Manager and refer to the Planning Commission to create one or several zoning overlays, and/or recommend any mechanism, which protects Berkeley residents living in one or all of Berkeley's Federal Opportunity Zones from gentrification and displacement. Overlays and/or recommendations may also confer community benefits, including but not limited to: affordable housing, supportive social services, green features, open space, transportation demand management features, job training, and/or employment opportunities.                                                                                                                                                                                                                                | N/A              | Draft | Planning             | Involves Planning Commission | N         | N       | N                     | N                                | N                       | N                                  |
| 46  | Council and Budget Referrals - Demand | Bird Safe Berkeley Requirements                                                     | Refer to the Planning Commission and the City Manager to consider the attached ordinance amending Berkeley Municipal Code Title 23C, adding a new Chapter 23C.27 establishing bird safety requirements for new construction and significant renovations and a new Chapter 23C.28 establishing a dark skies ordinance, for review and approval.                                                                                                                                                                                                                                                                                                                                                                                                                                     | N/A              | Draft | Planning             | Involves Planning Commission | N         | N       | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                                                                                                     | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Percent Complete | State    | Lead City Department | Commission?                  | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 47  | Council and Budget Referrals - Demand | City Manager and Planning Commission Referral: Facilitate Primarily Student Housing by a Twenty Feet Height Increase and Adjust Floor Area Ratio in the R-SMU, R-S and R-3 Areas Only From Dwight to Bancroft and From College to Fulton | Refer to the City Manager and Planning Commission to facilitate primarily Student Housing by amending the Zoning Ordinance to add a twenty feet height increase and adjust Floor Area Ratio in the R-SMU, R-S and R-3 areas only from Dwight to Bancroft and from College to Fulton.                                                                                                                                                                                                 | 50.00            | Approved | Planning             | Y                            | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 48  | Council and Budget Referrals - Demand | City Manager and Planning Commission's Referral: Enable Implementation of Council Approved Floor Area Ratio in the Telegraph Commercial District between Dwight and Bancroft by Amending the Zoning Ordinance                            | Refer to the City Manager and Planning Commission an immediate implementation strategy to bring the City Zoning Ordinance in compliance with the policy adopted by City Council to increase Floor Area Ratio (FAR) in the Telegraph Commercial District between Dwight and Bancroft - COUNCIL DIRECTION ON COMMUNITY BENEFITS NEEDS FOLLOW UP WORK AND REPORT TO COUNCIL                                                                                                             | 50.00            | Approved | Planning             | Y                            | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 49  | Council and Budget Referrals - Demand | Companion Report: Conducting an Analysis of Increasing Inclusionary Housing over Affordable Housing Mitigation Fee                                                                                                                       | Refer to the City Manager to conduct a feasibility analysis for the recommendations by the Homeless Commission as part of the existing referral to examine potential reforms to the Affordable Housing Mitigation Fee.                                                                                                                                                                                                                                                               | N/A              | Draft    | Planning             | Involves Planning Commission | Y            | Y            | N                     | N                                | Y                       | N                                  |
| 50  | Council and Budget Referrals - Demand | Creating Additional Administrative Powers of Zoning Officer to Grant or Recommend New Permits as Related to Code Enforcement                                                                                                             | Refer to the City Manager and Berkeley Planning Commission to explore the creation of a mechanism that would explicitly allow staff new discretionary powers to prevent applicants from being granted new residential permits until they have abated outstanding noncompliance issues or code violations in other buildings they own in Berkeley within a reasonable time frame or taken good faith measures to commence doing so.                                                   | N/A              | Draft    | Planning             | N                            | N            | N            | N                     | N                                | Y                       | N                                  |
| 51  | Council and Budget Referrals - Demand | Creating Additional Administrative Powers of Zoning Officer to Grant or Recommend New Permits as Related to Code Enforcement DMND0002545                                                                                                 | Refer to the City Manager and Berkeley Planning Commission to explore the creation of a mechanism that would explicitly allow staff new discretionary powers to prevent applicants from being granted new residential permits until they have abated outstanding noncompliance issues or code violations in other buildings they own in Berkeley within a reasonable time frame or taken good faith measures to commence doing so.                                                   | N/A              | Draft    | Planning             | Y                            | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 52  | Council and Budget Referrals - Demand | Customer Service Improvements to Land Use Permit Process                                                                                                                                                                                 | Direct staff to make structural improvements to the Zoning Ordinance, communication improvements to better explain complex technical and procedural elements to the public, and organizational improvements to the Land Use Planning Division; and authorize the issuance of a request for proposals (RFP) for the selection of consultants to make structural improvements to the Zoning Ordinance and develop graphic communication elements in an amount not to exceed \$300,000. | N/A              | Approved | Planning             | N                            | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                                                                                                                            | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Percent Complete | State    | Lead City Department | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 53  | Council and Budget Referrals - Demand | Development of the West Berkeley Service Center, 1900 6th Street, for Senior Housing with Supportive Services. [Parts a and b]                                                                                                                                  | <p>State the intent of the City Council that the West Berkeley Service Center property, 1900 6th Street, will be used for senior housing with on-site services consistent with Age Friendly Berkeley Plan recommendations, maximizing the number of affordable units.</p> <p>The Berkeley Way Project, 2012 Berkeley Way, is the City's top affordable housing priority. The West Berkeley Service Center, as a City-owned property, to be developed for affordable housing falls under the "High Priority" on the list of housing initiatives passed by Council on November 28, 2017. In light of the above, refer to the City Manager to take the following actions to initiate the process of developing senior housing at the West Berkeley Service Center:</p> <p>a. Refer to the City Manager to conduct a basic analysis of the development potential for the West Berkeley Service Center site including build-out scenarios for a three-, four-, five-, six- and seven-story building at the site, using Mixed-Use Residential (MUR), West Berkeley Commercial (C-W), and Multiple-Family Residential (R-3) Development Standards. Each buildout scenario should reflect base project conditions, and conditions if a Density Bonus is granted including waivers and concessions, or if Use Permits are used to modify standards. The scenarios should also incorporate space on the ground floor for resident amenities, supportive social services, and community space. The results of the development scenarios will be presented to the City Council and Planning Commission.</p> | N/A              | Draft    | Planning             | N           | N         | N       | N                     | N                                | N                       | N                                  |
| 54  | Council and Budget Referrals - Demand | Direct the City Manager to Draft an Ordinance to Waive Certain Fees for Berkeley Housing Trust Fund Projects and Send a Letter to BUSD Board of Education Requesting Consideration of a Waiver of School Facility Fees for Berkeley Housing Trust Fund Projects | <p>1. Direct the City Manager to draft an ordinance establishing automatic waiver of certain administrative, permit, impact and other fees for projects receiving City of Berkeley Housing Trust Fund (HTF) monies and submit a draft within 90 days for Council approval. Fee waivers shall apply to all HTF projects that have not yet been issued a building permit, and should include, but not be limited to:</p> <p>a. Waiver of internal, staff-time-related permit, inspection, and other fees; and c. Notwithstanding the above, fees to cover City "out of pocket" costs, fees passed-through to other agencies, and fees necessitated by CEQA should not be waived.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | N/A              | Approved | Planning             | N           | N         | Y       | N                     | N                                | Y                       | Y                                  |
| 55  | Council and Budget Referrals - Demand | Enable Internal Renovation of a Residence That Does Not Increase the Footprint As an AUP if the Building is an Historic Non-Conforming Use in the Percent of Lot Coverage                                                                                       | Refer to the Planning Commission to enable an AUP for the renovation of an existing residence, rather than a Use Permit, in the following circumstances: 1. The renovation does not increase the percentage of lot coverage; 2. The residence is an pre-existing non-conforming use in the percentage of lot coverage; 3. The renovation does not appear to create an intensification of use; 4. No change to the building envelope.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | N/A              | Draft    | Planning             | Y           | N         | N       | N                     | N                                | Y                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                                                                                                  | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Percent Complete | State    | Lead City Department | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 56  | Council and Budget Referrals - Demand | Encouraging Long-Term Tenant Stability                                                                                                                                                                                                | Facilitate the ability of long-term tenants to purchase their residence by referring to the City Manager to amend BMC 21.28.080 as it pertains to the Affordable Housing Mitigation fee as follows: If the property contains 4 units or fewer, the affordable housing mitigation fee for a unit that is and has been occupied by an owner as his or her principal place of residence for at least 5 consecutive years immediately prior to the date of conversion or sale, including as a tenant in that unit immediately prior to ownership, shall be reduced by 50 percent.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | N/A              | Draft    | Planning             | N           | N            | N            | N                     | N                                | N                       | N                                  |
| 57  | Council and Budget Referrals - Demand | Fossil Fuel Free Berkeley                                                                                                                                                                                                             | Refer to the Energy Commission and Transportation Commission consideration of the proposed resolution or similar action to further implement the Climate Action Plan and establish the goal of becoming a Fossil Fuel Free Berkeley, and further consider: <ul style="list-style-type: none"> <li>Establishing a date by which we are committed to being a Fossil Fuel Free City.</li> <li>Opposing further transportation of oil, gas, and coal.</li> <li>Fully implementing Berkeley Deep Green Building, raising the citywide LEED certification requirement above the current LEED Silver, and applying the same requirements to newly constructed city facilities, and major renovations.</li> <li>Requiring all future City government procurements of vehicles to minimize emissions, and establishing a goal and plan for transitioning the city's vehicle fleet to all electric vehicles</li> <li>Establishing a goal and plan for transitioning to 100% renewable energy for municipal operations and a community wide goal of 100% reductions by 2030.</li> <li>Formally opposing the recent expansion of offshore drilling by the Trump Administration.</li> <li>Calling for region-wide solutions to carbon emissions, including rapid adoption of renewable energy sources, affordable densification of cities and low-emissions public transportation infrastructure.</li> </ul> | N/A              | Approved | Planning             | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 58  | Council and Budget Referrals - Demand | Item E - Short-Term Referral to the Planning Commission and Design Review Committee to Research and Draft an Urban Forestry Ordinance Requiring Tree Planting Upon Completion of New Residential Construction and Certain Alterations | Six-month referral to the Planning Commission to research and draft an Urban Forestry Ordinance requiring tree planting upon completion of new construction, excluding single-family homes and ADUs, as well as construction in High Hazard Fire Zones. The Planning Commission should consider the following: <ul style="list-style-type: none"> <li>Appropriate tree planting requirements for new construction, with the goal of increasing the tree canopy in Berkeley.</li> <li>Appropriate species requirements.</li> <li>Establishing a Tree Planting Fund to support increased tree planting throughout Berkeley.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | N/A              | Draft    | Planning             | N           | N            | N            | N                     | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                                                                            | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Percent Complete | State | Lead City Department | Commission?                  | Underway? | Funded?  | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 59  | Council and Budget Referrals - Demand | Missing Middle Housing Report                                                                                                                                                                                   | Refer to the City Manager to prepare a report to the Council of examining methods, including potential revisions to the zoning code, that may foster a broader range housing types across Berkeley, particularly missing middle housing types (duplexes, triplexes/fourplexes, courtyard apartments, bungalow courts, townhouses, etc.), in areas with access to essential components of livability like parks, schools, employment, transit, and other services. Given the range of requests included in this referral, it is expected that responding to the referral will require a combination of field research, consultation with design professionals and other cities and agencies, and community outreach and engagement. Council requests that staff initiate this work as soon as possible. | N/A              | Draft | Planning             | N                            | N         | Deferred | N                     | N                                | Y                       | N                                  |
| 60  | Council and Budget Referrals - Demand | Mitigating Impacts of Outdoor Air Quality on Indoor Air Quality in Berkeley                                                                                                                                     | Refer the item to the Planning Commission to consider the analyses presented here, and the draft provided in Appendix II, to create new Standard Conditions of Approval (SCA) for new building construction near major sources of air pollution, to achieve an acceptable level of indoor air quality (IAQ) for sensitive receptors.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | N/A              | Draft | Planning             | N                            | N         | N        | N                     | N                                | N                       | N                                  |
| 61  | Council and Budget Referrals - Demand | Rectify Discrepancy Regarding Inclusionary Units in Live/Work Housing                                                                                                                                           | Refer amendments to the Berkeley Municipal code (Sections 23C.12 and 23E.20.080) to rectify discrepancies over how Live/Work Unit inclusionary requirements are governed, both for rental and owner occupied units, to the Planning Commission.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 50.00            | Draft | Planning             | Involves Planning Commission | Y         | Y        | N                     | N                                | Y                       | N                                  |
| 62  | Council and Budget Referrals - Demand | Refer the Civic Arts Commission's recommended language to the Planning Commission on protecting Live Work spaces from conversion to cannabis uses.                                                              | Refer the Civic Arts Commission's recommended language to the Planning Commission on protecting Live Work spaces from conversion to cannabis uses. This action was adopted as part of the Cannabis Ordinance amendments.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | N/A              | Draft | Planning             | Y                            | N         | N        | N                     | N                                | Y                       | N                                  |
| 63  | Council and Budget Referrals - Demand | Refer to the City Manager the design of a companion Resilient Homes Equity Pilot Program that would provide funding for home retrofit improvements to low-income residents                                      | Refer to the City Manager the design of a Companion Resilient Homes Equity Pilot Program that would provide funding for home retrofit improvements for low income residents                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 10.00            | Draft | Planning             | N                            | Y         | N        | Y                     | N                                | N                       | Y                                  |
| 64  | Council and Budget Referrals - Demand | Refer to the City Manager to add a condition to Zoning Board Approved permits to bring attention to the Pay Transparency policy to project applicants, and consider these Pay Transparency Ordinance amendments | That the Council refer to the City Manager to add a condition to Zoning Board Approved permits in order to bring attention to the Pay Transparency policy to project applicants, and consideration of amendments to the Pay Transparency Ordinance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | N/A              | Draft | Planning             | N                            | N         | N        | N                     | N                                | Y                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                                                                                                                                                   | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Percent Complete | State    | Lead City Department | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 65  | Council and Budget Referrals - Demand | Refer to the Planning Commission an amendment to BMC Chapter 23C.12.020 (Inclusionary Housing Requirements - Applicability of Regulations) and the Affordable Housing Mitigation Fee Resolution to Close a Loophole for Avoiding the Mitigation Fee through Property Line Manipulation | 1) Refer to the Planning Commission an amendment to BMC Section 23C.12.020 (Inclusionary Housing Requirements – Applicability of Regulations) and BMC Section 22.20.065 (Affordable Housing Mitigation Fee) to close a loophole allowing prospective project applicants to avoid inclusionary affordable housing requirements for projects by modifying property lines so that no lot is large enough to construct five or more units; the Commission should return to Council with a report by April 30, 2019. 2) Refer to the Planning Commission to consider modifying the structure of in-lieu fees for owner-occupied developments to a flat per-unit fee, as with rental developments, or a per square foot fee; the Commission should return to Council with a report. 3) Refer to the Housing Advisory Commission to assess the appropriateness of the fee level as suggested in the proposed amendments to BMC 23C.12. 4) The Planning Commission is to consider the following language from the item submitted at the meeting: It is possible that the new fee structure will be adopted prior to the Housing Advisory Commission approving the level of the fee. In this instance, those projects that opt to pay the in-lieu fee and are permitted after the new fee structure is adopted but before the new fee level is adopted shall be given the choice of paying the current fee level, or the one that is adopted. | 50.00            | Approved | Planning             | Y           | Y         | Y       | N                     | N                                | Y                       | N                                  |
| 66  | Council and Budget Referrals - Demand | Refer to the Planning Commission and Housing Advisory Commission to Research and Recommend Policies to Prevent Displacement and Gentrification of Berkeley Residents of Color and African Americans                                                                                    | Refer to the Planning Commission and Housing Advisory Commission to research and recommend policies to prevent displacement and gentrification of Berkeley residents of color. Recommended policies should include real solutions. The Commission should do the following: - Develop a policy to address the erosion of People of Color (POC), including the African American sector of our Berkeley society. - Develop rules and regulations to halt the loss of People of Color including the African American communities. - Develop a "right to return" for Berkeley's People of Color including the African American communities who have been displaced by these economic and social developments, especially those who continue to be employed in our City, even after having to relocate beyond our boundaries. - Solicit expert and lived experience testimonies regarding displacement and gentrification. - Recommend alternatives to prevent displacement and gentrification of our valued Berkeley citizens of color and African Americans. Hold public workshops on the subject.                                                                                                                                                                                                                                                                                                                                       | 10.00            | Draft    | Planning             | Y           | Y         | N       | N                     | N                                | N                       | N                                  |
| 67  | Council and Budget Referrals - Demand | Referral Response: Expanding community engagement within work to address Climate Impacts                                                                                                                                                                                               | Refer to the City Manager to continually advance engagement around community-driven, equitable climate solutions, and to seek external resources to enable increased community engagement of impacted communities around equitable climate solutions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 20.00            | Draft    | Planning             | N           | Y         | N       | N                     | N                                | N                       | N                                  |

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Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                            | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Percent Complete | State    | Lead City Department | Commission?                  | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 68  | Council and Budget Referrals - Demand | Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses                            | Refer to the Planning Commission modifications to the Zoning Ordinance that are designed to streamline the zoning review process for new or expanding small businesses in Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | N/A              | Draft    | Planning             | Y                            | N         | N       | N                     | N                                | Y                       | Y                                  |
| 69  | Council and Budget Referrals - Demand | Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses (Beer/Wine in M Dist)      | Refer to staff and the Planning Commission to consider amendments related to beer and wine sales in the M District.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | N/A              | Draft    | Planning             | Involves Planning Commission | N         | N       | N                     | N                                | Y                       | N                                  |
| 70  | Council and Budget Referrals - Demand | Referral to City Manager to Return to Council with an Amnesty Program for Undocumented Secondary Units          | Referral to City Manager to Return to Council with an Amnesty Program for Undocumented Secondary Units using the guiding framework presented in the Background.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | N/A              | Draft    | Planning             | N                            | N         | N       | N                     | Y                                | N                       | N                                  |
| 71  | Council and Budget Referrals - Demand | Referral to Planning Commission: City-Wide Green Development Requirements                                       | Refer to the Planning Commission, Energy Commission, and the Community Environmental Advisory Commission to consider requiring the same Green Building and Transportation Demand Management (TDM) measures required in the Commercial Downtown Mixed Use District (C-DMU) for projects of 75 units or more throughout the City of Berkeley's commercial zoning districts. The commissions are to consider the standards as outlined in the report which would apply to larger projects city-wide and pertain to: bicycle parking spaces, vehicle sharing spaces, Residential Parking Permits, required parking spaces, LEED rating, Stopwaste Small Commercial Checklist standards, and transportation benefits. In addition, the commissions are to also consider the following 1. that transit passes would only be required for projects within a quarter of a mile of a bus stop; 2. a square-footage threshold, in addition to the unit threshold, for projects to which the requirements would apply, 3. the validity of the LEED certification; and 4. the impact on the financial feasibility of proposed requirements on the development of housing and affordable housing in particular. | N/A              | Approved | Planning             | Y                            | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 72  | Council and Budget Referrals - Demand | Referral to Planning Commission: Guiding Development on San Pablo Avenue                                        | Refer to the Planning Commission the development of a Plan to guide development on San Pablo Avenue.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | N/A              | Draft    | Planning             | Y                            | N         | N       | Y                     | Y                                | N                       | N                                  |
| 73  | Council and Budget Referrals - Demand | Referral to the City Manager and Planning Commission: Update BMC Chapter 22.16 Development Agreement Procedures | Refer to the City Manager and Planning Commission to review and update the Berkeley Municipal Code Chapter 22.16 Development Agreement Procedures to create a streamlined process that maximizes community benefits and conforms to State law.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | N/A              | Draft    | Planning             | N                            | Y         | N       | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                         | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Percent Complete | State     | Lead City Department | Commission?                  | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 74  | Council and Budget Referrals - Demand | Referral to the Community Environmental Advisory Commission and the City Manager: Anti-Idling Ordinance                      | Refer to the Community Environmental Advisory Commission and the City Manager to explore developing an anti-idling ordinance. The ordinance should limit vehicle engine idling when a vehicle is parked, stopped, or standing, including for the purpose of operating air conditioning equipment; and prohibit all unattended private passenger motor vehicles from idling. The ordinance should outline enforcement and citation procedures. The Commission and the City Manager should develop appropriate exceptions for commercial vehicles. Any funds received through enforcement of the ordinance should accrue to the General Fund to provide additional funding for sustainability efforts. The Community Environmental Advisory Commission and the City Manager should review the District of Columbia's anti-idling regulations (attached to report) to aide in the development of the ordinance. | N/A              | Approved  | Planning             | Y                            | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 75  | Council and Budget Referrals - Demand | Referral to the Energy Commission to Hold a Series of Public Outreach and Educational Meetings Regarding Electrification     | Refer to Berkeley's Energy Commission to hold two separate special public outreach and educational meetings regarding electrification in new buildings by July 31, 2019: 1. A meeting regarding multi-family, mid/high-rise buildings, including those with ground floor commercial; 2. A meeting regarding commercial buildings (without housing), including manufacturing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | N/A              | Approved  | Planning             | Y                            | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 76  | Council and Budget Referrals - Demand | Referral to the Planning Commission to Allow 4 Temporary Zoning Amendments to Increase Student Housing in the Southside Area | Refer to the City Manager and the Planning Commission to consider conversion of existing commercial space for residential use between College Avenue and Fulton Street and Bancroft Way to Dwight Way.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | N/A              | Approved  | Planning             | Y                            | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 77  | Council and Budget Referrals - Demand | Referral to the Planning Commission to Allow Non-commercial Use on Ground Floor                                              | Refer to the Planning Commission an amendment to the Zoning Ordinance to create a use permit process to allow non-commercial use on the ground floor in appropriate locations, where commercial might otherwise be required.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | N/A              | Approved  | Planning             | Y                            | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 78  | Council and Budget Referrals - Demand | Referral to the Planning Commission to Consider Amendments to the Zoning Ordinance and "Mini-Dorm" Ordinance                 | Referral to the Planning Commission to: 1. Amend the mini-dorm ordinance to enable the conversion of an accessory structure into an office (which is also considered a bedroom) without the required public hearing process under the mini-dorm regulations, as long as there are no other alterations to the subject property, and 2. Consider amendments to the Zoning Ordinance and "Mini-Dorm" Ordinance to provide more flexibility for accessory buildings on properties that are developed with single-family residences. ADD: Issues raised in supplemental memo.                                                                                                                                                                                                                                                                                                                                    | N/A              | Draft     | Planning             | Involves Planning Commission | N            | N            | N                     | N                                | Y                       | N                                  |
| 79  | Council and Budget Referrals - Demand | Wildland Urban Interface Fire Safety and Fire Safety Education                                                               | Commission Referral #5 revised to read: 5. Refer to the Planning Commission to consider Accessory Dwelling Units (ADUs) in the Very High Hazard Fire Zone to review public safety issues especially relevant to the risk of WUI fires. Amend Section 23D.10 to incorporate greater public safety considerations to be met before issuing an Administrative Use Permit (AUP);                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | N/A              | Submitted | Planning             | N                            | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |



**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                        | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Percent Complete | State    | Lead City Department    | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 80  | Council and Budget Referrals - Demand | Zoning Ordinance Modification for Elmwood Commercial District                                               | Refer to the Planning Commission to amend Chapter 23E.44, C-E Elmwood Commercial District Provisions to allow for amusement device arcades with a Tier 2 Administrative Use Permit (for spaces >3,000 Sq. Ft.) and a Zoning Certificate (for spaces < 3,000 Sq. Ft.). Proposed ordinance language for changes to Table 23E.44.030 are attached to the report.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 75.00            | Draft    | Planning                | Y           | Y         | N       | N                     | N                                | Y                       | Y                                  |
| 81  | Council and Budget Referrals - Demand | 100% Sustainable Trips by 2040                                                                              | Adopt the attached Resolution, setting a goal of achieving 50% increase in trips taken by sustainable modes by 2030 and 100% by 2040, and refer to the Community Environmental Advisory Commission, the Energy Commission, and the Transportation Commission to develop relevant proposals and recommendations for accomplishing that goal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | N/A              | Draft    | Planning & Public Works | Y           | Y         | N       | Y                     | N                                | N                       | N                                  |
| 82  | Council and Budget Referrals - Demand | Campus-City National Night Out. Revised to be a Referral with no specific date - Revised materials (Supp 1) | Adopting a Resolution to refer the campus-city National Night Out event to the City Manager to help reduce crime in the campus area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | N/A              | Draft    | Police                  | N           | N         | N       | N                     | N                                | N                       | N                                  |
| 83  | Council and Budget Referrals - Demand | Extend the Berkeley Police Drone Moratorium for One Additional Year                                         | Extend the moratorium on the use of unmanned aircraft systems, or "drones," by the Berkeley Police for one additional year. REFERRAL: Approved recommendation amended to request that the City Manager return to Council with a policy on the use of drones by Berkeley Police.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | N/A              | Approved | Police                  | N           | N         | N       | N                     | N                                | N                       | N                                  |
| 84  | Council and Budget Referrals - Demand | Improving Hate Crimes Reporting and Response                                                                | Refer to the City Manager to review the following proposals and implement new systems for reporting and response to hate incidents and crimes: -Develop a Hate Crimes Reporting Hotline (modeled after the San Francisco District Attorney's hotline) to be staffed by the Berkeley Mental Health Division or a non-profit community partner. The Hotline will provide support for victims and those reporting hate crimes/incidents, and direct victims to resources and how to report hate crimes or incidents. Consider existing internal and external resources including the City's 311 Customer Service line and the County's Hate Crimes Reporting Hotline. -Explore adding hate crimes to the BPD Online Crime Reporting System to allow individuals to report specific hate related criminal acts or incidents. - Launch a public information campaign including the production of informational videos, posters, and ads in different languages about what is a hate crime and how to report it to Berkeley Police. -Conduct proactive outreach and develop partnerships with religious leaders, community service providers and organizations that work with groups which have historically been the target of hate crimes/incidents. -Refer to the Police Review Commission to review existing BPD policy on hate crimes (BPD Policy 319), request a report from BPD on hate crimes statistics and its implementation of BPD Policy 319, and review: privacy policies/procedures for reporting; culturally appropriate personnel structures to respond to incidents that will encourage reporting, reduce fear and provide support. The creation of accessible and multilingual | N/A              | Draft    | Police                  | N           | N         | N       | N                     | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                                           | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Percent Complete | State     | Lead City Department | Commission? | Underway?    | Funded?                                                                                                                                                           | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 85  | Council and Budget Referrals - Demand | Referral: Measures to Address Traffic Enforcement and Bicycle Safety                                                                                                           | 2. Refer to the City Manager to establish the opportunity for bicyclists to participate in a ticket diversion program that would provide safety education as an alternative to monetary fines related to other infractions, and to ensure integration of Vision Zero principles in implementation of state Office of Traffic Safety grants. Staff should consider either the creation of a City of Berkeley-operated ticket diversion program or cooperation with ticket diversion programs operated by neighboring jurisdictions. | N/A              | Draft     | Police               | N           | Y            | Y                                                                                                                                                                 | Y                     | N                                | Y                       | Y                                  |
| 86  | Council and Budget Referrals - Demand | 31. City Manager Referral: Refer CPTED Streetscape for Action and Exploration of Grant or Other Funding Opportunities to Find the Funds to Construct the Proposed Improvements | Refer the Crime Prevention Through Environmental Design (CPTED) streetscape to the City Manager for action and exploration of grant or other funding opportunities to find the funds to construct the proposed improvements.                                                                                                                                                                                                                                                                                                       | N/A              | Approved  | Public Works         | N           | N            | N (However, some components of the Telegraph CPTED proposal might be incorporated into the federally funded Southside Complete Streets project as funding allows) | N                     | N                                | N                       | N                                  |
| 87  | Council and Budget Referrals - Demand | 48. City Manager Referral: Preparations to Apply for Telegraph Pedestrian Safety Funds (Continued from December 3, 2013)                                                       | Refer to the City Manager to apply for Telegraph Ave pedestrian safety funds and to produce a preliminary plan for Telegraph pedestrian safety improvements as requested by the Telegraph Merchants Association.                                                                                                                                                                                                                                                                                                                   | N/A              | Approved  | Public Works         | N           | N            | N (However, pedestrian safety improvements between Bancroft and Dwight are included in the federally funded Southside Complete streets project)                   | Y                     | N                                | N                       | N                                  |
| 88  | Council and Budget Referrals - Demand | 9. Portable Sign Pilot Program                                                                                                                                                 | Refer to the City Manager, the Commission on Disability, and the Transportation Commission for consideration the expansion of the existing portable sign program that enables businesses to place portable signs on sidewalks and medians.                                                                                                                                                                                                                                                                                         | N/A              | Approved  | Public Works         | Y           | Data Pending | Data Pending                                                                                                                                                      | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 89  | Council and Budget Referrals - Demand | City Manager Referral: Updating Graffiti Ordinance and Policies Based on a Review of San Francisco's New Ordinance                                                             | Refer to the City Manager and the Public Works and Parks and Recreation Commissions to create an ordinance that revises Berkeley's policies regarding graffiti, focusing on prevention and enforcement of regulations.                                                                                                                                                                                                                                                                                                             | N/A              | Submitted | Public Works         | Y           | Data Pending | Data Pending                                                                                                                                                      | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

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| 90  | Council and Budget Referrals - Demand | City Manager Short-Term Referral: To Change Telegraph Avenue Parking Signs to Allow Parking All Times                                                           | That the Council refer to the City Manager to eliminate the no parking signs on Telegraph Avenue between Bancroft and Dwight.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | N/A              | Draft    | Public Works         | N           | Y            | N            | N                     | N                                | Y                       |                                    |
| 91  | Council and Budget Referrals - Demand | Conceptual Study for Undergrounding Utility Wires in Berkeley From: Public Works Commission, Disaster and Fire Safety Commission, and Transportation Commission | That Council approve the following items: 1. Conceptual Study for undergrounding utility wires in Berkeley (the "Undergrounding Plan"). 2. Proceed with Phase 3 of the Undergrounding Plan. We want to emphasize the importance for Berkeley to actively participate in the current California Public Utilities Commission review of the Rule 20 program.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | N/A              | Draft    | Public Works         | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 92  | Council and Budget Referrals - Demand | Consideration of Universal Design Standards in City Projects                                                                                                    | Refer to the City Manager to make the consideration of Universal Design features an explicit and listed criteria for all projects undertaken by the city, including the many upcoming projects to be funded through Measure T1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | N/A              | Approved | Public Works         | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 93  | Council and Budget Referrals - Demand | Considering Multi-year Bidding Processes for Street Paving                                                                                                      | 1. Restate the recommendation approved at the December 11, 2018 Council meeting to create a two-year bidding process for street paving to realize savings by (a) reducing by 50% City staff time devoted to bidding and contracting processes over each two year period and (b) benefitting from reduced pricing which may be available for larger contracts that offer greater economies of scale and reduce contractors' bidding and contracting costs.<br>2. Short-term referral to the City Manager to explore the possibility, feasibility, costs, and benefits of bidding in increments of up to 5 years to encompass entire 5-year paving plans, or other ideas to more rationally and cost-effectively align the paving plan with budget cycles and reduce costs associated with frequent bid cycles for relatively small contracts. | N/A              | Approved | Public Works         | N           | N            | N            | N                     | N                                | Y                       | Y                                  |
| 94  | Council and Budget Referrals - Demand | Creation and Adoption of a Transit Streets Cooperative Agreement with the Alameda-Contra Costa (AC) Transit District                                            | Refer to the City Manager the Creation and Adoption of a Transit Streets Cooperative Agreement with the Alameda-Contra Costa (AC) Transit District.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | N/A              | Draft    | Public Works         | N           | N            | N            | N                     | N                                | Y                       | Y                                  |
| 95  | Council and Budget Referrals - Demand | Electric Vehicles for the City Fleet                                                                                                                            | Request that the City Manager return to the Council with a Fleet Climate Action Plan for transition to all-electric vehicles (EVs) or plug-hybrids for the City fleet. The plan could:<br>1. set annual targets for greenhouse gas (GHG) reductions from City fleet operations in support of the City's Climate Action Plan;<br>2. require replacing all non-emergency vehicles and all possible emergency vehicles with EVs or plug-in hybrids by April 1, 2025, with an interim goal of a certain percent by April 1, 2018;<br>3. require conversion wherever possible to hybrid vehicles in cases where EVs or plug-in hybrids are not yet feasible; and<br>4. consider the Additional Measures as described in the report.                                                                                                               | N/A              | Approved | Public Works         | N           | Y            | N            | Y                     | Y                                | N                       | Y                                  |

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| 96  | Council and Budget Referrals - Demand | Farmers' Markets Investments                                                                                    | Refer to the City Manager to initiate improvements and changes to support the Berkeley Farmers' Markets that would address growing public safety and access concerns while enhancing the shopping experience and benefit the markets.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | N/A              | Draft    | Public Works         | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 97  | Council and Budget Referrals - Demand | Installation of Solar Panels at the Donna Spring Animal Shelter Parking Area                                    | Request that the City Manager pursue grant funding for a solar installation at the Donna Spring Animal Shelter parking area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | N/A              | Approved | Public Works         | N           | N            | N            | N                     | N                                | Y                       | N                                  |
| 98  | Council and Budget Referrals - Demand | Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley | 1. Refer to the City Manager to incorporate relevant elements of the Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley, submitted to the City Council by the Commission on Disability, into the Berkeley Pedestrian Master Plan currently being updated, and any other planning processes for which the report would provide relevant information.<br>2. Refer to the Public Works and Parks and Waterfront Commissions to return to Council reports on ways that elements of the Navigable Cities Framework can be incorporated into the work, projects, contracts, and policies of the Public Works and the Parks, Recreation & Waterfront Departments. | N/A              | Draft    | Public Works         | N           | N            | N            | N                     | N                                | N                       | N                                  |
| 99  | Council and Budget Referrals - Demand | Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley | 1. Refer to the City Manager to incorporate relevant elements of the Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley, submitted to the City Council by the Commission on Disability, into the Berkeley Pedestrian Master Plan currently being updated, and any other planning processes for which the report would provide relevant information.<br>2. Refer to the Public Works and Parks and Waterfront Commissions to return to Council reports on ways that elements of the Navigable Cities Framework can be incorporated into the work, projects, contracts, and policies of the Public Works and the Parks, Recreation & Waterfront Departments. | N/A              | Draft    | Public Works         | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 100 | Council and Budget Referrals - Demand | Prioritizing Pedestrians at Intersections                                                                       | Refer to the City Manager and the Transportation Commission the development of policies to improve the pedestrian crossing experience and reduce pedestrian wait times at intersections with "beg buttons," potentially by activating pedestrian crossing signaling with every cycle (as opposed to the current situation, which only activates crossing signals when a button is pushed). Consider the development of a pedestrian-driven intersection improvement process to address signaling and timing inadequacies.                                                                                                                                                                                               | N/A              | Draft    | Public Works         | N           | Y            | N            | N                     | N                                | N                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                       | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Percent Complete | State            | Lead City Department | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 101 | Council and Budget Referrals - Demand | Providing Wheelchair Charging Opportunities for Homeless Individuals       | Refer to the City Manager to develop policies which will provide accessible, reliable opportunities for homeless individuals with disabilities to charge power wheelchairs. Refer to the City Manager to research existing conditions of homeless individuals with disabilities; barriers to charging power wheelchairs; related consequences; and potential City actions to provide accessible, reliable wheelchair charging. Refer to the City Manager to assemble a policy to be reviewed and implemented.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 50.00            | Work in Progress | Public Works         | Y           | Y            | N            | N                     | N                                | N                       | N                                  |
| 102 | Council and Budget Referrals - Demand | Referral: Develop a Bicycle Lane and Pedestrian Street Improvements Policy | 1) Refer to the City Manager to develop a comprehensive ordinance with input from the Public Works & Transportation Commissions governing a Bicycle Lane and Pedestrian Street Improvements Policy that would: <ul style="list-style-type: none"> <li>• Require simultaneous implementation of recommendations in the City's Bicycle and Pedestrian Plans when City streets are repaved, if one or more of the following conditions are met: <ul style="list-style-type: none"> <li>• Bicycle Plan recommendations can be implemented using quick-build strategies that accommodate transit operations.</li> <li>• Pedestrian Plan recommendations can be implemented using quick-build strategies that accommodate transit operations.</li> <li>• The Bicycle Plan recommends studying protected bike lanes as part of a Complete Street Corridor Study in the Tier 1 Priority list.</li> <li>• Improvements are necessary to comply with the Americans with Disabilities Act.</li> <li>• Encourage the use of quick builds by expediting quick-build projects under \$1 million.</li> <li>• "Quick-build" is defined as projects that a) require non-permanent features such as bollards/paint/bus boarding islands, b) make up less than 25 percent of the total repaving cost for that street segment, and c) can be a component of a Complete Street Corridor Study that includes evaluation after installation.</li> <li>• Require staff to report progress back to Council every two years.</li> </ul> </li> </ul> | N/A              | Draft            | Public Works         | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 103 | Council and Budget Referrals - Demand | Referral: Electric Moped Ride-Share Franchise Agreement                    | Refer to the City Manager to rename the existing One-Way Car Share Program as the One-Way Vehicle Share Program and to amend the Program to include administrative requirements and parking permit fees for motorized bicycles that are affixed with license plates and require a driver's license for individuals to operate them (mopeds), in coordination with the City of Oakland.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | N/A              | Draft            | Public Works         | N           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 104 | Council and Budget Referrals - Demand | Referral: Measures to Address Traffic Enforcement and Bicycle Safety       | 3. Refer to the City Manager to develop a plan to calm and divert motor vehicle traffic on bicycle boulevards to provide people who bicycle and walk a safe, comfortable and convenient mobility experience by adding or reconfiguring stop signage and other traffic calming measures, per the recommendations of the 2017 Bicycle Plan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | N/A              | Draft            | Public Works         | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

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| No. | Type                                   | Name                                                                                                                            | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Percent Complete | State            | Lead City Department | Commission? | Underway?    | Funded?                                                                                 | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 105 | Council and Budget Referrals - Demand  | Referral: Measures to Address Traffic Enforcement and Bicycle Safety DMND0003830                                                | 3. Refer to the City Manager to develop a plan to calm and divert motor vehicle traffic on bicycle boulevards to provide people who bicycle and walk a safe, comfortable and convenient mobility experience by adding or reconfiguring stop signage and other traffic calming measures, per the recommendations of the 2017 Bicycle Plan.                                                                                                                                                                                                                                                                                                        | N/A              | Draft            | Public Works         | N           | Data Pending | Data Pending                                                                            | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 106 | Council and Budget Referrals - Demand  | Referral: Report on Public Realm Pedestrianization Opportunities [Transportation Commission]                                    | Refer to the Transportation Commission to generate a report on potential public realm pedestrianization opportunities in Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | N/A              | Draft            | Public Works         | Y           | Data Pending | Data Pending                                                                            | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 107 | Council and Budget Referrals - Demand  | Referral: Telegraph Shared Streets                                                                                              | Refer to the City Manager to develop and return to Council with a plan to implement the shared streets proposal outlined in the Telegraph Public Realm Plan, including identification of potential regional funding sources for the project, in consultation with appropriate transportation agencies.                                                                                                                                                                                                                                                                                                                                           | N/A              | Draft            | Public Works         | N           | N            | N (May be able to partially fund some components as part of Southside Complete Streets) | N                     | N                                | N                       | N                                  |
| 108 | Council and Budget Referrals - Demand  | Zero Emission Vehicle Requirements for City Fleet                                                                               | Refer to the City Manager the finalization of a policy which would require all new purchases of light-duty passenger vehicles to be electric vehicles or plug-in hybrids, and require the City-owned light-duty passenger vehicle fleet to be 100% electric vehicles or plug-in hybrids by the mid-2020s. This policy would be based on the City & County of San Francisco's zero-emission light-duty passenger vehicle policy, and the report to Council should identify any additional costs associated with electric vehicles or plug-in hybrids, potentially accelerated fleet turnover, and necessary charging infrastructure on City lots. | N/A              | Submitted        | Public Works         | N           | Data Pending | Data Pending                                                                            | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 109 | Council and Budget Referrals - Project | Cannabis Ordinance Revisions; Amending Berkeley Municipal Code Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F | 1) determine if the City can require businesses to post notices on their website                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 0.00             | Not Started      | City Attorney        | N           | N            | N                                                                                       | N                     | N                                | Y                       | N                                  |
| 110 | Council and Budget Referrals - Project | Dynamex Decision Impact and Compliance on Minimum Wage Ordinance and Paid Sick Leave Ordinance                                  | That the City Council refers to the City Manager and the Labor Commission to ensure the Berkeley Minimum Wage Ordinance (MWO) and Paid Sick Leave Ordinance are interpreted and enforced in a manner consistent with the holdings in Dynamex Operations West, Inc. v. Superior Court of Los Angeles (2018) 4 Cal.5th 903.                                                                                                                                                                                                                                                                                                                        | 67.00            | Work in Progress | City Attorney        | N           | Y            | N                                                                                       | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                 | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Percent Complete | State            | Lead City Department | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 111 | Council and Budget Referrals - Project | Personal Liability Protection for Small Businesses                   | 1. Direct the City Manager and City Attorney to draft and submit to the City Council for consideration an emergency ordinance to prohibit the enforcement of personal liability provisions in commercial leases and commercial rental agreements in the City of Berkeley for lessees/renters who have experienced financial impacts related to the Covid-19 pandemic.<br>2. Direct the City Manager to conduct outreach to all commercial tenants regarding any protections enacted by the City Council, with a particular focus on businesses that were required to stop serving food or beverages (e.g., restaurants, bars); close to the public (e.g., hair salons, barbershops, tattoo parlors); cease operations (e.g., gyms, fitness centers); or sharply limit operations (e.g., schools, retail shops, nurseries) due to the COVID-19 crisis. | 33.00            | Work in Progress | City Attorney        | N           | N            | N            | N                     | N                                | Y                       | Y                                  |
| 112 | Council and Budget Referrals - Project | Private Parking Lot Regulations                                      | Refer to the City Manager the development of an ordinance that would allow parking lot operators to manage their parking facilities so as to meet the needs of local businesses and their customers.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Deferred         | City Attorney        | N           | N            | N            | N                     | N                                | Y                       | N                                  |
| 113 | Council and Budget Referrals - Project | Prohibition on the Resale of Used Combustion Vehicles in 2040        | On November 18, 2020 the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee made a positive recommendation to refer to the City Manager for review of the attached ordinance prohibiting the resale of used, existing combustion-powered vehicles beginning in 2040, to the extent legally possible.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Not Started      | City Attorney        | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 114 | Council and Budget Referrals - Project | Supplemental Paid Family Leave                                       | 2) refer to the City Manager to draft an ordinance regarding retaliation against employees using state family leave, including a private right of action provision.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 50.00            | Work in Progress | City Attorney        | N           | Y            | N            | N                     | N                                | Y                       | Y                                  |
| 115 | Council and Budget Referrals - Project | Referral Response: Including Climate Impacts in City Council Reports | Request that the City Manager update the templates and associated training materials to add "Climate Impacts" in the "Environmental Sustainability" section of reports to the City Council, and codify the changes in Appendix B in the next update to the Berkeley City Council Rules of Procedure. This recommendation is a partial response to a January 21, 2020 referral, sponsored by Councilmembers Davila and Bartlett, to require that all City Council items and staff reports include "climate impacts" in addition to environmental sustainability.                                                                                                                                                                                                                                                                                       | 25.00            | Work in Progress | City Clerk           | N           | Y            | N            | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                           | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Percent Complete | State            | Lead City Department  | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 116 | Council and Budget Referrals - Project | Referral: Commission Low-Income Stipend Reform | Refer to the City Manager to develop and return to Council with a plan to improve equity, accessibility, and representation in City of Berkeley commissions by modernizing the low-income stipend program, and in doing so consider:<br>1. Increasing the annual household income cap for stipend eligibility from \$20,000 to align with the 50% Area Median Income (AMI) guidelines for Alameda County and reflect household size, and updating it annually with the latest HUD data.<br>2. Increasing the low-income stipend from \$40 to \$78 per meeting, and updating it annually with the City of Berkeley minimum wage to correspond to compensation for 2.5 hours of work.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 0.00             | Not Started      | City Clerk            | N           | Y         | N       | N                     | N                                | Y                       | Y                                  |
| 117 | Council and Budget Referrals - Project | Administrative Changes Related to Taxicabs     | Request the City Manager consider the following administrative changes, in order to increase the competitiveness of the taxi industry: 1. Reduce the annual vehicle inspection fee from \$88 to \$45 and the re-inspection fee from \$45 to \$25.; 2. Increase the maximum amount of free taxi scrip that drivers are able to redeem each week from the current limit of \$400 to \$800 (if taxi scrip is redeemed twice per week, the maximum amount redeemed at once should be raised to \$400 from \$200).; 3. Consolidate all taxi-related undertakings, including customer service and taxi scrip redemption, to one office located at 1947 Center Street, Berkeley, CA 94704.; 4. Reduce the burden of the current mandatory sensitivity training course for taxi drivers, by exploring an option to complete the course online instead of in San Francisco, which costs \$50 and imposes onerous logistical costs. For example, available courses can be found at <a href="http://www.equo.co.uk/11-Taxi-Drivers">http://www.equo.co.uk/11-Taxi-Drivers</a> .; 5. Clarify in writing that taxi-drivers may purchase collective insurance instead of individual insurance. This will allow drivers to accumulate a more substantial fund to cover individual crashes, pay less per person, and reap similar benefits as rideshare drivers (who are insured by Transportation Network Companies) do. | 0.00             | Work in Progress | City Manager's Office | N           | N         | N       | N                     | N                                | N                       | N                                  |



**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                                                                        | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Percent Complete | State            | Lead City Department  | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 118 | Council and Budget Referrals - Project | City of Berkeley Neighborhood Services and Outreach Program (formerly "Amend April 26, 2018 Referral Regarding Sidewalks Policies ")                                                                        | In light of the 9th Circuit Court of Appeal's September 4, 2018 ruling in Martin v. City of Boise, refer to the City Manager further analysis of Council's April 26, 2018 proposed "Regulations for Sitting, Lying, Dogs and Objects on Sidewalks and in Parklets" and analysis of Berkeley's existing regulations and practices, including but not limited to ordinances, administrative regulations, training protocols and other policies and practices, related to use and limits to use of sidewalks, parklets, streets, parks and other City property. Refer to the City Manager to collaborate with the offices of the Mayor and Councilmember Hahn to amend existing and, as necessary, draft new policies and procedures compliant with the above analysis, and report back to Council with recommendations for compliant policies. | 50.00            | Work in Progress | City Manager's Office | N           | N         | N       | N                     | N                                | N                       | N                                  |
| 119 | Council and Budget Referrals - Project | Denouncing Presidential Executive Order to Build a Border Wall and Urging the City of Berkeley to Divest from Companies Supporting or Participating in the Construction of a Border Wall; Revised materials | Adopt a Resolution denouncing the presidential executive order to build a wall along the U.S.-Mexico border and recommend that the City of Berkeley divest from any companies involved in the construction of a border wall.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 0.00             | Not Started      | City Manager's Office | N           | N         | N       | N                     | N                                | N                       | N                                  |
| 120 | Council and Budget Referrals - Project | Enforce Bi-Weekly (Once Every Two Weeks) Residential Cleaning Measures to Address Encampments and Promote Clean Streets in Berkeley                                                                         | Refer to the City Manager to promote equitable street cleaning practices and require biweekly (once every two weeks), cleanings of populated encampment sites in Berkeley and adjacent residential neighborhoods. In order to determine where City Staff should prioritize residential cleaning services, the City Manager should establish a radius around the campsites. When encampments are on non-City owned property, such as Caltrans, the City should bill the appropriate agency for the cost of staff and materials.                                                                                                                                                                                                                                                                                                               | 50.00            | Work in Progress | City Manager's Office | Y           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 121 | Council and Budget Referrals - Project | Non-Criminal Options for Enforcement of Sidewalk Regulations                                                                                                                                                | Refer to the City Manager the development of non-criminal options for the enforcement of Berkeley laws and regulations related to use of public space that: Reduce, delay or, if possible, eliminate criminal penalties; Offer positive alternatives; and Ensure that the City has effective tools for enforcement of laws and regulations. While ensuring effective enforcement, options should delay or avoid pursuing infractions and misdemeanors and provide options to cure violations through positive actions such as mandated and verified community service, education, or participation in social service programs.                                                                                                                                                                                                               | 10.00            | Work in Progress | City Manager's Office | N           | N         | N       | N                     | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                 | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Percent Complete | State            | Lead City Department  | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 122 | Council and Budget Referrals - Project | Public Toilet Policy                                                 | Refer to the City Manager to develop the following "Neighborhood Public Toilet Policy": Develop a process in which residents can obtain a permit for a neighborhood public toilet via an official petition; Residents should contact the City via 311 to obtain an official petition form to apply for a permit; In order to obtain the permit, the petition should be signed by at least 51% of residential addresses and business owners within the nearest two block radius of the proposed public toilet site; The City shall not fund or contribute to the financing of the public toilets or their maintenance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 85.00            | Past Due         | City Manager's Office | N           | Y         | N       | N                     | N                                | Y                       | N                                  |
| 123 | Council and Budget Referrals - Project | Recommendations Related to Code Enforcement and Receivership Actions | On November 25, 2019, the Health, Life Enrichment, Equity & Community Committee took action to send an item to Council with a positive recommendation that for purposes of understanding the issues and identifying potential changes to the City's codes, policies, and procedures the committee recommends the following:<br>a. That the City Manager provide an information session to the City Council regarding the various ways in which code enforcement issues have been brought to the attention of the City over the last 5 years;<br>b. How various code enforcement issues at residential properties are currently handled;<br>c. Timeframe and mechanisms for achieving code compliance at residential properties;<br>d. Any existing assistance programs available to support property owners found to have code violations;<br>e. Specific learnings/changes in City practices resulting from the Leonard Powell receivership case;<br>f. Other information deemed relevant and appropriate to understand the City's current code enforcement practices for residential properties<br>Additionally, the Policy Committee requests that the Mayor call a special meeting of the City Council for purposes of a forum based on the recommendations provided by Councilmember Bartlett as the draft plan for a public meeting on receivership.<br>And third, the Committee requests from the City Manager a specific reply on creating a mechanism to provide legal and technical assistance to property owners and third parties for | 25.00            | Work in Progress | City Manager's Office | N           | Y         | N       | N                     | N                                | Y                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                                       | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Percent Complete | State            | Lead City Department  | Commission? | Underway?                             | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 124 | Council and Budget Referrals - Project | Referral Responses: Managing Recreational Vehicle (RV) Parking                                                                                                             | <p>The City of Berkeley seeks to implement all laws and ordinances in a fair and humane manner.</p> <p>To that end, we refer to the City Manager for consideration the following guidelines to help ensure enforcement of revised RV parking restrictions allowed under Ordinance No. 7,643-N.S. (BMC Section 14.40.120) is conducted with outreach, including information and resource guides and written notice.</p> <p>Further, we refer to the City Manager to quickly establish a three-month permit program (with possibility for renewal), to be offered on a one-time basis to existing priority populations and we refer to the Health, Life Enrichment, Equity &amp; Community Policy Committee to establish basic criteria for a standard two-week permitting process.</p> <p>The City Council reiterates its February 28, 2019 referral to identify and develop a temporary RV site to serve highly vulnerable populations, as well as a regional non-profit RV site, and to develop a program to allow private entities to host RVs on their property.</p> | 0.00             | Work in Progress | City Manager's Office | N           | Y                                     | N       | N                     | N                                | Data Pending            | N                                  |
| 125 | Council and Budget Referrals - Project | Referral to City Manager to establish Recreational Vehicle Waste Discharge Facility on City Property and Referral to FY 2020/21 Budget Process                             | 1. Refer to the City Manager to establish a recreational vehicle waste discharge facility on City property and equitable administrative fee program, and 2. Refer costs associated with the facility to the FY 2020/21 Budget Process. Include consideration of 1) method of pump out; 2) cost; 3) locations; and 4) capacity.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 0.00             | Pending          | City Manager's Office | N           | N                                     | Partial | N                     | N                                | Y                       | Y                                  |
| 126 | Council and Budget Referrals - Project | Supporting Worker Cooperatives and Referral to City Manager to Develop a Worker Cooperative Ordinance (Continued from January 12, 2016 – Item includes revised materials.) | <p>Adopt a Resolution to support worker cooperatives, and refer to the City Manager to develop a Worker Cooperative Ordinance, which includes:</p> <p>1. Revising the existing Buy Local contracting preference and adding a worker cooperative preference; 2. Revising the business permit application; 3. Incentivizing existing businesses to convert to cooperatives; 4. Creating business tax and land use incentives, and 5. Developing educational materials.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 75.00            | Work in Progress | City Manager's Office | N           | Y                                     | Y       | N                     | N                                | Y                       | Y                                  |
| 127 | Council and Budget Referrals - Project | Urgency Item: Safety for All: The George Floyd Community Safety Act - City Attorney and Manager Analysis of Contractual and Legal Barriers to Public Safety Reform         | Direct the City Manager and City Attorney to analyze contractual and legal barriers to public safety reform including police union contracts, vendor contracts, state and federal laws, to determine barriers to accountability and substantive reform. In addition, direct the City Manager and City Attorney to evaluate elements in the proposed police review commission charter amendment, that can be implemented by the City Council.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 10.00            | On Hold          | City Manager's Office | N           | N (On hold, pending Reimaging Police) | N       | N                     | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                  | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Percent Complete | State                   | Lead City Department                                                | Commission? | Underway? | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 128 | Council and Budget Referrals - Project | Companion Report: Effective Enforcement of Safe Lead-Paint Practices - Update on Amendments                                           | Based on the intent of the recommendation from the Community Environmental Advisory Commission (CEAC) for the City to expand enforcement of unsafe lead paint practices, refer to the City Manager to: - Coordinate with the Alameda County Healthy Homes Program to clearly identify roles and responsibilities for expanding enforcement of unsafe lead practices, and to explore options for sharing resources that can support expanded local enforcement; - Identify what resources, staff capacity, and program structure would be required to expand City enforcement of unsafe lead practices; - Continue current work to educate building permit applicants and contractors about safe lead paint practices; train and certify all City of Berkeley Building and Housing Inspectors in lead paint safety; respond to, investigate, and enforce safe lead paint practices as needed; and administer the Public Health Division's Childhood Lead Poisoning Prevention Program; and - Provide an update to City Council within one-year that identifies progress and next steps for expanding enforcement of unsafe lead practices. Additions: Request that the City Manager return to Council as soon as possible with recommendations on staffing for robust enforcement and internal restructuring for inspections. Options for noticing and distributing disclosure information. Enforcement by the City or the County, if feasible. | 0.00             | Pending Not On Schedule | City Manager's Office/Health, Housing & Community Services/Planning | N           | N         | N            | N                     | N                                | N                       | N                                  |
| 129 | Council and Budget Referrals - Project | Funding Streetlight Near South East Corner of Otis Street                                                                             | Approved recommendation revised to change the item to a budget referral and refer an assessment of feasibility to fund construction of a streetlight on the corner of Otis near Ashby to the City Manager.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0.00             | Not Started             | City Manager's Office/Public Works                                  | N           | N         | Data Pending | N                     | N                                | Data Pending            | Data Pending                       |
| 130 | Council and Budget Referrals - Project | Community Microbond Initiative. Revised materials (Supp 2)                                                                            | Refer to the 2018 prioritization process to direct the City Manager to produce a report outlining steps required if the City were to implement a Pilot Project for the Community Microbond Initiative within 90 days. Consider including a community engagement component (such as a survey) to identify a project for the pilot, identify City staff who would be involved in the Pilot Project, analyze the cost structure to the City, clarify the process to identify, select and collaborate with relevant vendors, and outline any and all other necessary steps to achieve a Pilot Microbond offering. Consider including the following requirements for a proposed RFP: Vendor(s) selected should have municipal bond underwriting capabilities; Vendor(s) selected should have experience with blockchain technology                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 90.00            | Work in Progress        | Finance                                                             | N           | Y         | Y            | N                     | N                                | Y                       | Y                                  |
| 131 | Council and Budget Referrals - Project | Develop Ordinance Prohibiting Companies Participating in the Construction of a Border Wall from Contracting with the City of Berkeley | Direct the City Manager to develop an ordinance prohibiting companies involved in the construction of a border wall from contracting with the City of Berkeley. Return to Council with the proposed ordinance within 90 days.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 25.00            | Pending Not On Schedule | Finance                                                             | N           | Y         | Y            | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Percent Complete | State            | Lead City Department      | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 132 | Council and Budget Referrals - Project | Accessory Dwelling Unit Ordinance Updates                                                                                                           | Action: M/S/Carried (Hahn/Wengraf) to adopt the item as written in Supplemental Reports Packet #1 and including the following changes.<br><ul style="list-style-type: none"> <li>Remove the language regarding view protections.</li> <li>Add new #9 on hillside heights measurements where no previous structure exists.</li> <li>Add "and any other solutions" to #5 regarding parking.</li> <li>Include the referral from Item 15 with this referral.</li> </ul> 01/14/21 (SM for DB)<br>Restricted allowances due to state law. Solution may be incorporated into Safe Passages.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 90.00            | Work in Progress | Fire & Emergency Services | N           | Y         | Y       | N                     | Y                                | Y                       | N                                  |
| 133 | Council and Budget Referrals - Project | Commission Referral: Recommendation to Install an Outdoor Public Warning System (Sirens) and Incorporate It Into a Holistic Emergency Alerting Plan | Recommend that City of Berkeley explore evaluating locations to install and maintain an outdoor public warning system (sirens) as a supplement to other alert and warning technologies within our boundaries and coordinated with abutting jurisdictions and Alameda County, and refer the item to the November budget discussion.<br>01/14/21 (SM for DB).<br>Funding identified in Measure FF                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 10.00            | Work in Progress | Fire & Emergency Services | Y           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 134 | Council and Budget Referrals - Project | Immediate Measures to Address Fire Safety and Prevention [Non-RRV Prioritization Process]                                                           | Refer to the City Manager to study and evaluate, in consultation with relevant Commissions, the following fire safety and prevention measures on a priority basis. After study and evaluation, implement or, where additional resources may be required, recommend implementation and sources of funding. 1. Complete the Berkeley Fire Department's comprehensive Evacuation Plan and publicize evacuation routes and protocols on a priority basis. 2. Increase outreach efforts to sign up residents for the Alameda County Emergency Alert program. 3. Review and update the City's existing Fire Safety ordinances, including BMC 12.50 Fire Inspection Program. 4. Consider implementation of a siren warning system, similar to Oakland's Emergency Siren system. 5. Review and, as necessary, strengthen coordination and communication with Oakland, East Bay Regional Parks (EBRP), Alameda County, Contra Costa and other neighboring Fire Department and emergency response service providers. 6. Expand programs and practices to reduce fire hazards and fuel loads and ensure clearance for utility lines on both public and private property as outlined in the report.<br>01/14/21 - Programs to be funded by FF (SM for DB). | 10.00            | Not Started      | Fire & Emergency Services | Y           | Y         | Y       | N                     | N                                | Y                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

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| 135 | Council and Budget Referrals - Project | Referral to Develop Comprehensive Plan for Disaster Preparedness and Post-Disaster Rebuilding with Respect to Multi-Family Housing [Non-RRV Prioritization Process]                                           | Refer to applicable City departments and commissions the development of a comprehensive plan for both disaster preparedness and post-disaster rebuilding with respect to multi-family housing. As part of the plan, applicable departments and commissions should explore how applicable ordinances (e.g., Demolition Ordinance, Relocation Ordinance, Rent Stabilization Ordinance) may interface with rebuilding efforts in the event of a major disaster and make recommendations to amend or clarify them as appropriate. The referral can be added to existing referrals concerning disaster preparedness item and prioritized as appropriate. | 0.00             | Not Started      | Fire & Emergency Services            | Y           | N            | N            | N                     | N                                | N                       | N                                  |
| 136 | Council and Budget Referrals - Project | Referral to the Disaster and Fire Safety Commission and the City Manager: Five Year Plan for Expanded Disaster Preparedness Services [Non-RRV Prioritization Process]                                         | Refer to the Disaster and Fire Safety Commission and the City Manager's office to explore developing a five year plan for expanded disaster preparedness services.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Work in Progress | Fire & Emergency Services            | Y           | N            | N            | N                     | N                                | N                       | N                                  |
| 137 | Council and Budget Referrals - Project | Adding Threat of Displacement of a Berkeley Resident to the Current Income Qualification Guidelines Which Would Place an Applicant in Priority Status for BMR (Below Market Rate) Units [Housing Action Plan] | Refer to the City Manager adding to income qualification the status of pending displacement of a Berkeley resident or family, for priority eligibility for BMR units.                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 0.00             | Not Started      | Health, Housing & Community Services | N           | Y            | Y            | Y                     | N                                | Y                       | Y                                  |
| 138 | Council and Budget Referrals - Project | Cigarette and Tobacco Litter Ordinance; Referral to Community Health Commission                                                                                                                               | Referral to the Community Health Commission to establish an ordinance that would diminish pollution from cigarettes waste similarly to San Francisco's Cigarette Abatement Fee Ordinance.                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 0.00             | Work in Progress | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 139 | Council and Budget Referrals - Project | Community Impact of Future Changes to Services at Sutter Health Alta Bates Ashby Campus                                                                                                                       | Refer to the Community Health and Disaster and Fire Safety Commissions to evaluate potential community impacts of changes to services at the Sutter Health Alta Bates Ashby campus in the coming years.                                                                                                                                                                                                                                                                                                                                                                                                                                             | 0.00             | Work in Progress | Health, Housing & Community Services | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 140 | Council and Budget Referrals - Project | Companion Report and Referral Response: Creation of a Small Sites Program                                                                                                                                     | 4) Request that the Council and Housing Advisory Commission receive copies of small sites loan applications along with staff's corresponding analysis and decision. 6) Refer further consideration of a long-term small sites program to the City Manager and the Housing Advisory Commission. 7) Refer the small sites program to the November budget update and next biannual budget planning cycle in 2019.                                                                                                                                                                                                                                      | 0.00             | Work in Progress | Health, Housing & Community Services | Y           | N            | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                     | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Percent Complete | State            | Lead City Department                 | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 141 | Council and Budget Referrals - Project | Companion Report: Support for Oregon Park Senior Apartments - [Housing Action Plan]                                                      | Refer the Housing Advisory Commission's recommendation that staff work with Oregon Park Senior Apartments (OPSA) to the Council prioritization process so that the Council can evaluate this recommendation in the context of other recommendations for the use of Housing & Community Services staffing resources. Adopted with the following conditions: 1. Oregon Street Park Apartments will conduct a financial audit. 2. Oregon Street Park Apartments will conduct a full assessment of the structure of the building and the facility needs. 3. Oregon Street Park Apartments will hire a property manager to oversee the financials and the property. 4. The City will commit to holding the fines in abeyance until such time that conditions 1-3 are completed. | 0.00             | Not Started      | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 142 | Council and Budget Referrals - Project | Disposition of City-Owned, Former Redevelopment Agency Property at 1631 Fifth Street                                                     | Refer the item to the City Manager to explore City uses of the property for housing and homelessness services and needs, or other uses, and review the remediation needs of the property.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Pending          | Health, Housing & Community Services | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 143 | Council and Budget Referrals - Project | Health Equity & Innovation District                                                                                                      | Referral to the Planning Commission, the Community Health Commission, the Commission on Aging, and the City Manager to establish a Health Equity & Innovation District (HID). The goal of the HID is to reduce chronic racial health disparities and improve the overall public health strategy of Berkeley by fostering innovations in healthcare delivery, improving resiliency, and strengthening the integration of health services and systems. The HID is intended to draw investment and grant opportunities, as well as to explore the expansion of scope of practice for medical providers.                                                                                                                                                                       | 0.00             | Work in Progress | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 144 | Council and Budget Referrals - Project | Healthy Checkout Ordinance                                                                                                               | 2. Refer to the City Manager to determine funding and staffing needs to implement and enforce the ordinance and sources of funding to support this program.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 25.00            | Work in Progress | Health, Housing & Community Services | N           | Y            | N            | N                     | Y                                | Y                       |                                    |
| 145 | Council and Budget Referrals - Project | Providing our Unhoused Community in the City of Berkeley with Menstrual Products                                                         | 3. Direct the City Manager to use existing homeless services funding to develop and deploy a program to provide a broad spectrum of menstrual products, including but not limited to, feminine hygiene, pads, tampons, underwear, and other related products, both through the City's outreach direct services, as well as through the community based homeless services providers. Additionally, require some elements of this program be deployed immediately, with a full program deployment within six months.                                                                                                                                                                                                                                                         | 10.00            | Work in Progress | Health, Housing & Community Services | N           | Y            | N            | N                     | N                                |                         | Y                                  |
| 146 | Council and Budget Referrals - Project | Refer to the City Manager's Office and Budget Referral: Second Dwelling Unit/Accessory Dwelling Unit Pilot Program to House the Homeless | Refer to the City Manager's office and the HAC to develop a second dwelling unit/accessory dwelling unit Pilot Project as an additional strategy to provide housing for homeless persons and families.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0.00             | Not Started      | Health, Housing & Community Services | Y           | N            | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                      | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Percent Complete | State            | Lead City Department                 | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 147 | Council and Budget Referrals - Project | Referral to Commission on Labor: Amendments to Living Wage Ordinance (BMC 13.27)                                          | Refer to the Commission on Labor the following suggested amendments to the Living Wage Ordinance, Berkeley Municipal Code Chapter 13.27: 1. Amend Section 13.27.050.A to allow an employee the right to opt out of an employer provided medical benefit plan and still receive the higher compensation amount (currently \$15.99 per hour) as cash in lieu if they provide proof of alternative coverage under a medical benefit plan. 2. Amend the posting requirements, retaliation, complaint process, and enforcement sections to conform to the language in the recently adopted Minimum Wage Ordinance.                                                                                                                                                                                                                                                                                                                                    | 0.00             | Work in Progress | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 148 | Council and Budget Referrals - Project | Referral to the City Manager: Adopt Section 8 Landlord Incentives [Housing Action Plan]                                   | Refer to the City Manager the adoption of the following measures to encourage landlords to accept Section 8 and Shelter + Care vouchers: 1. Create a list of qualified, efficient and affordable contractors vetted by the City, and a discount or waiver of permit fees, to support bringing their unit(s) to code; 2. Provide legal and/or mediation support, offered either through the City or a partner, in negotiating Landlord/Tenant disputes out-of-court; 3. Allow parcel and/or property tax reductions based on the percentage of property or units that are currently Section 8 and/or decided during annual Section 8 inspection; and 4. Identify organizations who can support financial literacy and management for Section 8 tenants, including establishing bank accounts with direct deposit to Landlords. We ask City staff to research and develop a proposal of options for implementing these within the next six months. | 0.00             | Not Started      | Health, Housing & Community Services | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 149 | Council and Budget Referrals - Project | Referral to the Labor Commission and the Commission on the Status of Women: Paid Family Leave Ordinance Revised materials | Refer the attached ordinance for consideration by to the Labor Commission and the Commission on the Status of Women to help in the development of a Paid Family Leave Ordinance for the City of Berkeley. The Labor Commission shall be responsible for conducting a public hearing to collect community input on the attached draft legislation. The Labor Commission shall conduct outreach and invite relevant stakeholders to attend, including representatives from small business associations, chambers of commerce, Berkeley employers, and Berkeley employees. The Commission on the Status of Women shall be responsible for research and overall project management. The Commissions shall jointly prepare a report for submission to Council summarizing both commissions' suggestions and the community's suggestions for changes that should be made to the attached legislation.                                                  | 0.00             | Work in Progress | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |



**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                             | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Percent Complete | State            | Lead City Department                 | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 150 | Council and Budget Referrals - Project | Small Sites Acquisition Program and Tenant Opportunity to Purchase [Housing Action Plan]         | Refer to the City Manager the implementation of the following strategies to preserve existing affordable housing and prevent displacement: 1. Create a Small Sites Program to assist non-profits in acquiring existing properties that considers the following criteria: a. Targets 5-25 unit multi-family buildings, particularly properties with strong potential for conversion to resident ownership, those in which no-fault evictions have been filed, or those at high risk of speculative purchase. b. Allocates \$1-2 million from multiple funding sources. Such sources could include Measure A1 and U1 funds, Section 8 vouchers, and the MTC NOAH program. c. Includes administrative guidelines for a streamlined allocation process that will ensure an expedited commitment and funding process. Such commitments could include a letter of commitment from the City when non-profit organizations are placing an option on a property, or a small grant to make a down payment. 2. Review and develop an ordinance modeled after Washington D.C.'s Tenant Opportunity to Purchase Act that offers existing tenants the first right of refusal when property owners place rental property on the sale market, which can be transferred to a qualifying affordable housing provider. | 50.00            | Work in Progress | Health, Housing & Community Services | N           | Y            | N            | N                     | N                                | N                       | N                                  |
| 151 | Council and Budget Referrals - Project | Workforce Housing Affordability Plan [Housing Action Plan]                                       | Refer to the City Manager the addition of a new workforce housing option to the inclusionary housing law that raises the percentage of inclusionary units by allowing the production of more subsidized units at a reduced subsidy per unit. Additionally, request that the City Manager return with "affordable by design" suggestions to help address the underproduction of middle-income units in Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0.00             | Not Started      | Health, Housing & Community Services | N           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 152 | Council and Budget Referrals - Project | Workforce Housing for Berkeley Unified School District Personnel [Housing Action Plan]           | Request the City Manager to direct staff to investigate the feasibility of developing workforce housing, in conjunction with Berkeley Unified School District, for teachers and employees. This investigation should include research into what other California cities (such as San Francisco, Oakland, Santa Clara and San Mateo County) are considering as part of their pursuit of school district workforce housing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 0.00             | Not Started      | Health, Housing & Community Services | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 153 | Council and Budget Referrals - Project | Budget Referral: Remediation of Lawn Bowling, North Green and Santa Fe Right-of-Way, FY2020-2021 | Refer to the November 2019 AAO consideration of at least \$150,000 and up to remediate the Lawn Bowlers, North Green and Santa Fe Right-of-Way in advance of Request for Proposal (RFP) for these areas that potentially could provide much needed affordable alternative housing. Refer to the Homeless Services Panel of Experts to consider Measure P funds for remediation purposes for these properties.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 0.00             | Not Started      | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                                            | Description                                                                                                                                                                                                                                                                                                                                                                                                                                           | Percent Complete | State            | Lead City Department                 | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 154 | Council and Budget Referrals - Project | Cannabis Ordinance Revisions; Amending Berkeley Municipal Code Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F                                                 | 2) analyze the impacts of artificial flavorings/additives and advise if any further regulations are necessary                                                                                                                                                                                                                                                                                                                                         | 0.00             | Pending          | Health, Housing & Community Services | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 155 | Council and Budget Referrals - Project | Cannabis Ordinance Revisions; Amending Berkeley Municipal Code Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F                                                 | 2) direct the Berkeley Public Health Department to review the issue of flavored cannabis products for combustion or inhalation, and cannabis products whose names imply that they are flavored, and review any additional ingredients that may be hazardous, whether natural or artificial, including vitamin E acetate in inhalation products, and make recommendations for action.                                                                  | 0.00             | Pending          | Health, Housing & Community Services | Y           | Y            | Y            | N                     | Y                                | Y                       | Y                                  |
| 156 | Council and Budget Referrals - Project | Companion Report: Health Study to be Conducted by the Public Health Division to Gather Data on Health Conditions, Health Disparities and Mortality Rates of Berkeley's homeless | Send a letter to Alameda County requesting data on deaths of identified homeless individuals.<br><br>Contact Alameda County request that they explore the feasibility of recording homelessness as a data point in death records and/or making investments to begin tracking this information locally.                                                                                                                                                | 50.00            | Work in Progress | Health, Housing & Community Services | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 157 | Council and Budget Referrals - Project | Open Doors Initiative: City Worker and First Time Affordable Homebuyer Program                                                                                                  | That the City Council refer the City Manager and Housing Advisory Committee to explore mechanisms to support homeownership by City of Berkeley employees and further refer to City Manager to prepare a report detailing available first-time homeownership and low-income homeowner programs that might be available for implementation in the City of Berkeley. Analysis to include the new Self-Help Housing Program and the provisions of AB 101. | 0.00             | Not Started      | Health, Housing & Community Services | Y           | N            | N            | N                     | N                                | Y                       | Y                                  |
| 158 | Council and Budget Referrals - Project | Voluntary Time Off on Statewide Election Days for City Employees                                                                                                                | Refer to the City Manager to designate Statewide Election Days as VTO days, and refer to the 2x2 Committee to discuss coordinating City and District policy on holidays, in particular Election Day.                                                                                                                                                                                                                                                  | 80.00            | Work in Progress | Human Resources                      | N           | Y            | Y            | N                     | Y                                | Y                       | N                                  |
| 159 | Council and Budget Referrals - Project | Expanding the Downtown Arts District                                                                                                                                            | 1. Request the Planning Commission examine expanding the boundaries of the current Downtown Arts District Overlay as well as the allowable active ground-floor uses.<br>2. Request the City Manager consider the Downtown Arts District as part of the update to the Berkeley Arts and Culture Plan.                                                                                                                                                  | 95.00            | Work in Progress | Office of Economic Development       | N           | Y            | N            | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                                          | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Percent Complete | State            | Lead City Department           | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 160 | Council and Budget Referrals - Project | Path to Permanence for Outdoor Dining and Commerce Permits Granted Under COVID-19 Public Health Emergency Declaration                                                         | On November 2, 2020 the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee made a positive recommendation to send the item to the City Council with the recommendation language as amended by the committee. The revised recommendation language includes: Refer to the City Manager to develop a program and, if necessary, ordinance language to facilitate the transition of temporary outdoor dining and commerce permits that were obtained under the City's declaration of emergency to permanent status. - Consider criteria for transitioning spaces for Public vs. Private outdoor use. - Consider the structural, materials, safety and other criteria for temporary vs. permanent outdoor spaces. - Consider costs and benefits of private outdoor spaces adjacent to specific businesses on customer access, parking availability, parking revenues, and all other factors. - Consider Merchant opt-out vs. opt-in: To encourage and support the use of outdoor commerce, upon the conclusion of the City declaration of emergency, outdoor commerce permit holders might automatically be transitioned to permanent permit status unless the permit holder chooses to remove the installation, or the City might reach out to temporary permit holders and offer an opt-in or quick transition program. - Consider Fees and potential Fee waivers for temporary spaces transitioning to permanent status: Fees associated with the minor encroachment permits or sidewalk seating typically necessary for outdoor dining and commerce permits could be waived for all temporary permits. Consider Postponing | 10.00            | Work in Progress | Office of Economic Development | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 161 | Council and Budget Referrals - Project | Referral to the Civic Arts Commission to Consider the Creation and Selection of a Flag for the City of Berkeley                                                               | Refer to the Civic Arts Commission to select a flag for the City of Berkeley from submissions from the public.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 0.00             | Work in Progress | Office of Economic Development | Y           | N            | Y            | N                     | N                                | Y                       | Y                                  |
| 162 | Council and Budget Referrals - Project | Referral to the Civic Arts Commission to create interactive family-friendly art attractions                                                                                   | Refer to the Civic Arts Commission to create interactive family-friendly art attractions in the City of Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 0.00             | Work in Progress | Office of Economic Development | Y           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 163 | Council and Budget Referrals - Project | Referral to the Civic Arts Commission to develop a grant program available for arts and cultural organizations to support retaining and improving creative spaces for artists | Referral to the Civic Arts Commission to prioritize within their current Work Plan creating a process for awarding competitive grants to Berkeley-based arts and cultural organizations that will help support their ability to stay in Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 11.00            | Work in Progress | Office of Economic Development | Y           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 164 | Council and Budget Referrals - Project | Evaluation of Possible Ban on New Planting of Certain Tree Species                                                                                                            | Take action to either: a) Direct the City Manager to proceed with Option 1, and continue the City's current practice regarding tree plantings on City property, which currently do not include Eucalyptus, and Monterey Pine (except at the Marina).-OR- b) Adopt a Resolution as described in Option 2 that would ban the new planting of certain tree species on City property. -OR-c) Direct the City Manager to develop an ordinance for Council adoption that bans the new planting of certain tree species on both public and private property, and includes enforcement mechanisms.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 0.00             | Work in Progress | Parks, Recreation & Waterfront | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                                     | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Percent Complete | State            | Lead City Department             | Commission?                  | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 165 | Council and Budget Referrals - Project | Referral to the City Manager: Equitable Access to Greenspace                                                                                                             | Refer to the City Manager to explore developing a plan for increasing Equitable Access to Greenspace in Berkeley. Future parks and greenspace investments should be targeted at reducing disparities in access to greenspace. Criteria to consider should include: ☐ Geographical distance and square footage of available greenspace ☐ Income levels of area residents, which may impact their ability to afford non-public facilities and/or transportation to green spaces ☐ The proportion of youth, seniors and disabled people unable to travel to more distant facilities The City may utilize recommendations from the report "Berkeley Parks Planning for an Equitable Future" produced by the Parks and Waterfront Commission's Subcommittee on Planning. The City should also consider the work of San Francisco's Green Connections (see <a href="http://sf-planning.org/green-connections">http://sf-planning.org/green-connections</a> ) which promotes the presence and attractiveness of walking and bike paths to green spaces in order to encourage their use. The City should investigate strategies for expanding park capacity including assessing prime areas for developing new parks and greenspaces, such as in the Adeline Corridor and Santa Fe ROW. The Adeline Corridor Plan must consider and account for increasing greenspace in the Southeast Quadrant of Berkeley, and explore innovative ways for integrating greenspace into our urban environment. To implement these recommendations, the City should explore public private funding partnerships as well as community partnerships with Berkeley residents, community | 0.00             | Work in Progress | Parks, Recreation & N Waterfront |                              | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 166 | Council and Budget Referrals - Project | Authorize Installation of Security Cameras at the Marina and Request an Environmental Safety Assessment                                                                  | Adopt the following recommendations in order to address the recent dramatic uptick in reported crime incidents at the Berkeley marina: -Request that the City Manager install security cameras and signage as expeditiously as possible as a long-term safety measure; -Refer to the City Manager to perform an environmental safety assessment of the Berkeley marina with particular attention to the berther parking areas. Cameras will not use facial recognition or biometric software.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 90.00            | Work in Progress | Parks, Recreation & N Waterfront |                              | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 167 | Council and Budget Referrals - Project | 27. Green Affordable Housing Package (Continued from October 6, 2015)                                                                                                    | Refer that the Planning Commission and City Manager investigate the following two policies as ways to reduce barriers for the creation of affordable housing. City Council requests that commissions and staff address and propose solutions and/or an implementation plan using the recommendations in the report by September 1, 2016. Policy 1: Designate units and funding for affordable housing by prioritizing housing over parking spaces in new developments. Policy 2: Remove the structural and procedural barriers to creating more housing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 90.00            | Work in Progress | Planning                         | Involves Planning Commission | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 168 | Council and Budget Referrals - Project | City Manager Referral: Facilitate the Local Implementation of Senate Bill 1413 and Expedite the Development of Teacher and School Employee Housing [Housing Action Plan] | Refer to the City Manager to work with the Planning to facilitate the local implementation of Senate Bill 1413 in an effort to expedite the development of housing for teacher and school employees in Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 0.00             | Not Started      | Planning                         | N                            | N            | N            | N                     | N                                | Y                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                                                       | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Percent Complete | State            | Lead City Department | Commission?                                       | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 169 | Council and Budget Referrals - Project | Classify Home Occupation Activities Receiving Five or Fewer Visits as Moderate Impact Home Operation (PDF)                                                                                 | Refer to the City Manager that the zoning code for Moderate Impact Home Operation (Moderate Impact HO) be amended to include home occupation activities receiving five or fewer visits weekly, requiring an AUP rather than a Use Permit with public hearing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 90.00            | Work in Progress | Planning             | Involves Planning Commission                      | Y            | N            | N                     | N                                | Y                       | Y                                  |
| 170 | Council and Budget Referrals - Project | Deferral of Remaining Permit Fees for 2009 Addison Street                                                                                                                                  | Refer to the City Manager to conduct a feasibility analysis and develop an MOU with the Berkeley Repertory Theater to defer \$720,000 in remaining permit and inspection fees for Berkeley Repertory Theater's housing project at 2009 Addison Street (leaving flexibility for timing, setting of interest, schedule of payments, and fund sources).                                                                                                                                                                                                                                                                                                                                                                         | 0.00             | Not Started      | Planning             | N                                                 | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 171 | Council and Budget Referrals - Project | Partial Response to Council Referral on Deep Green Building Initiative - Recommendation for Dedicated Revenue Stream to Incentivize Residential Energy Efficiency and Electrification      | City Council refers to staff a request to conduct an analysis to identify and develop a set of programs and policies consistent with the Climate Action Plan to incentivize residential energy efficiency and electrification investments, based on a cost benefit analysis to determine highest value energy-saving measures. This recommendation supports the Deep Green Building Initiative referral from the Council to the Energy Commission. Council further refers \$50,000 to the budget process for the staff work and analysis.                                                                                                                                                                                    | 20.00            | Work in Progress | Planning             | N                                                 | Y            | Y            | Y                     | N                                | Y                       | Y                                  |
| 172 | Council and Budget Referrals - Project | Permit Service Center Improvements                                                                                                                                                         | Refer to the City Manager to include in current efforts to improve the Land Use Permitting process the following proposals to increase the efficiency and outreach of the Permit Service Center, making the permitting process easier for staff and applicants alike. Specific proposals to consider include: 1. Website improvements for tracking of permits, calculating permit fees, and applying online; 2. Case Managers for coordinated intake of permit applications and materials; 3. Informational materials including an improved user guide and infographics modeled after BizGrid; 4. Customer service improvements at the Center including a fast track line, kiosks, and an online appointment booking system. | 50.00            | Work in Progress | Planning             | N                                                 | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 173 | Council and Budget Referrals - Project | Planning Commission Referral for a Pilot Density Bonus Program for the Telegraph Avenue Commercial District to Generate Revenue to House the Homeless and Extremely Low-Income Individuals | Refer a City Density Bonus policy for the Telegraph Avenue Commercial District to the Planning Commission to generate in-lieu fees that could be used to build housing for homeless and extremely low-income residents.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 25.00            | Work in Progress | Planning             | Involves Planning Commission                      | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 174 | Council and Budget Referrals - Project | Providing Requested Direction to the City Manager and Planning on the Number of Cannabis Retail Establishments and the Creation of an Equity Program                                       | That the Council provides requested direction to the Planning on how to proceed with the Equity Program recommended by the Cannabis Commission in the October 9, 2018 staff report; with the following specifications: Recommendation of creating 1 new dispensary license for equity applicants. It is envisioned as new licenses are created, such as, delivery, manufacturing, and micro-business, permits will be reserved for equity applicants for each new category.                                                                                                                                                                                                                                                  | 25.00            | Work in Progress | Planning             | Involves Planning Commission, Cannabis Commission | N            | N            | N                     | N                                | Y                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                                                                                                                                                                                      | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Percent Complete | State            | Lead City Department | Commission?                  | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 175 | Council and Budget Referrals - Project | Referral to the Planning Commission to Allow 4 Temporary Zoning Amendments to Increase Student Housing in the Southside Area                                                                                                                                                                                              | Refer to the City Manager and the Planning Commission to consider conversion of existing commercial space for residential use between College Avenue and Fulton Street and Bancroft Way to Dwight Way.                                                                                                                                                                                                                                                                               | 50.00            | Work in Progress | Planning             | Y                            | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 176 | Council and Budget Referrals - Project | Short Term Referral to Expedite Components of the More Student Housing Now Resolution, and budget referral to the annual appropriation ordinance adoption                                                                                                                                                                 | Short term referral to the City Manager and the Planning to promptly move forward with components of the More Student Housing Now Resolution that do not require additional CEQA review, amend existing City ordinances and policies that prevent the implementation of SB 1227, and provide a budget referral to the annual appropriation ordinance adoption that would allocate the necessary resources as determined by the Planning Staff.                                       | 50.00            | Work in Progress | Planning             | Involves Planning Commission | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 177 | Council and Budget Referrals - Project | Tiny Homes and Tiny Home Communities as Homeless Housing Options [Housing Action Plan]                                                                                                                                                                                                                                    | 2. Refer the item to the City Manager for further research and analysis. The creation of Tiny Homes on public or private property for long-term use and/or as habitable dwellings with facilities intended as a homeless program would require modifications to the existing zoning and building codes and additional program requirements to ensure such developments are moving clients out of homelessness.                                                                       | 0.00             | Not Started      | Planning             | N                            | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 178 | Council and Budget Referrals - Project | Zoning Ordinance Amendments to Increase the Floor Area Ratio (FAR) and Building Heights in Portions of the Telegraph Avenue Commercial (C-T) District; Amending BMC Chapter 23E.56; REFERRAL: refer to the City Manager to develop community benefit requirements, with a focus on labor practices and affordable housing | Adopt first reading of an Ordinance amending the Zoning Ordinance, Berkeley Municipal Code Chapter 23E.56, Telegraph Commercial District (C-T) to increase the floor area ratio and building heights in portions of the Telegraph Avenue Commercial (C-T) District.                                                                                                                                                                                                                  | 50.00            | Work in Progress | Planning             | Involves Planning Commission | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 179 | Council and Budget Referrals - Project | ZORP   Customer Service Improvements to Land Use Permit Process                                                                                                                                                                                                                                                           | Direct staff to make structural improvements to the Zoning Ordinance, communication improvements to better explain complex technical and procedural elements to the public, and organizational improvements to the Land Use Planning Division; and authorize the issuance of a request for proposals (RFP) for the selection of consultants to make structural improvements to the Zoning Ordinance and develop graphic communication elements in an amount not to exceed \$300,000. | 30.00            | Work in Progress | Planning             | Involves Planning Commission | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 180 | Council and Budget Referrals - Project | City Manager Referral: Expanding Gun Safety Measures in Berkeley                                                                                                                                                                                                                                                          | Refer to the City Manager to consider the following ordinances: 1. Banning Unsecured Firearms And Ammunition Located In Unattended Vehicles In The Public Right Of Way And "Public Places" As Defined In The Ordinance; and 2. Requiring That City-Issued Firearms In Unattended Vehicles Be Secured.                                                                                                                                                                                | 30.00            | Work in Progress | Police               | N                            | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 181 | Council and Budget Referrals - Project | City Manager Referral: Plan for Lighting and Signage at the Ohlone Greenway at Cedar, Rose, and Hopkins                                                                                                                                                                                                                   | Refer to the City Manager to develop a plan to improve the lighting and signage (e.g. stop signs) at the Ohlone Greenway crossing at Cedar, Rose, and Hopkins, particularly for bicycle transit.                                                                                                                                                                                                                                                                                     | 0.00             | Work in Progress | Public Works         | N                            | Y            | N            | Y                     | N                                | Y                       | Y                                  |
| 182 | Council and Budget Referrals - Project | Four Way Stop Signs on Eighth Street at Carleton Street and Pardee Street                                                                                                                                                                                                                                                 | Refer to the City Manager a proposal to install stop signs at the intersections of Eighth Street and Carleton Street and Eighth Street and Pardee Street.                                                                                                                                                                                                                                                                                                                            | 2.00             | Work in Progress | Public Works         | N                            | N            | N            | N                     | N                                |                         | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                                                                        | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Percent Complete | State               | Lead City Department | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 183 | Council and Budget Referrals - Project | Refer to City Manager to look into adopting an ordinance requiring a permit process for scooter sharing companies to operate on public streets                                                              | Refer to the City manager to look into adopting an ordinance establishing a pilot Powered Scooter Share Permit Program for 24 months, requiring a permit issued by the Director of Public Works, establishing a fee for the issuance of the permit, establishing administrative penalties for failure to obtain a permit or violation of permit requirements, providing a procedure for the assessment and collection of administrative penalties for permit violations or parking or leaving standing an unpermitted powered scooter subject to the pilot Powered Scooter Share Permit Program on a sidewalk, street, or other public right-of-way. | 50.00            | Work in Progress    | Public Works         | N           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 184 | Council and Budget Referrals - Project | Referral to Consider Caregiver Parking in Residential Shared Parking Pilot                                                                                                                                  | Refer to the City Manager and Transportation Commission to consider a pilot program for caregiver parking permits in RPP zones in the goBerkeley Residential Shared Parking Pilot.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 25.00            | Pending On Schedule | Public Works         | Y           | Y            | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 185 | Council and Budget Referrals - Project | Referral to the City Manager: Prioritize Climate Action Plan's Policy to Redesign/Rebuild the Berkeley Transfer Station and Material Recovery Facility into a State of the Art Zero Waste Facility          | Referral to the City Manager: Prioritize the City of Berkeley's Climate Action Plan's policy to redesign/rebuild the Berkeley Transfer Station and the material recovery facility into a state of the art Zero Waste facility.                                                                                                                                                                                                                                                                                                                                                                                                                       | 0.00             | Work in Progress    | Public Works         | N           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 186 | Council and Budget Referrals - Project | Referral to the Public Works Department and the City Manager: Finishing the installation of Sculpture Lighting into Adjacent Street Lights for the William Byron Rumford Statue on Sacramento and Julia St. | Refer to the City Manager a request to finish the installation of sculpture lighting into adjacent street lights for the William Byron Rumford statue on Sacramento and Julia Street. Refer to the Public Works Department for its installation.                                                                                                                                                                                                                                                                                                                                                                                                     | 25.00            | Work in Progress    | Public Works         | N           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 187 | Council and Budget Referrals - Project | Request for Information Regarding Current Status and Progress on Traffic Mitigations at Dwight Way and California Street                                                                                    | Refer to the City Manager a request for information regarding the current status and progress on traffic mitigations and pedestrian safety improvements at the intersection of Dwight Way and California Street.                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0.00             | Not Started         | Public Works         | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | N                                  |
| 188 | Council and Budget Referrals - Project | Residential Preferential Parking (RPP) Program Reform and Expansion                                                                                                                                         | 2. Refer to the City Manager to explore options to amendments to the ordinance related to the cap on permits for situations such as caregivers, child care, and others.                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 25.00            | Work in Progress    | Public Works         | N           | Y            | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 189 | Council and Budget Referrals - Project | Restrict Parking in the Hills Hazardous Fire Area (Continued from January 12, 2016)                                                                                                                         | Refer to staff the design of a parking restriction program in the Hills Fire Zone to ensure access for emergency vehicles and to allow for safe evacuations in an emergency and to hold public meetings to get community input in the design of such a program.                                                                                                                                                                                                                                                                                                                                                                                      | 10.00            | Work in Progress    | Public Works         | N           | Y            | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 190 | Council and Budget Referrals - Project | Special RPP Designation, Grant Street between Ohlone Park and Delaware Street                                                                                                                               | Request the City Manager to designate a special "no 2-hour parking grace period" residential permit parking zone for the one cul-de-sac block of Grant Street between Ohlone Park and Delaware Street. Also, request to provide Council with an Info Report on the process and perform increased enforcement.                                                                                                                                                                                                                                                                                                                                        | 0.00             | Work in Progress    | Public Works         | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

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| 191 | Council and Budget Referrals - Project | Adopt a Spot Initiative for Volunteer Stewardship of Public Spaces                                      | Refer to the Public Works Commission and Parks and Waterfront Commission to develop an Adopt A Spot initiative; specifically outlining potential environmental benefits, program costs, staffing. Rationale: -Adopt a Spot programs enable a network of volunteer residents to assist in city maintenance and clean up efforts which have great impact using minimal City staff/funding. -Vision 2050 will include stormwater and watershed management goals, both of which this program would support.                                                                                                                                                         | 75.00            | Work in Progress | Public Works/Parks, Recreation & Waterfront | Y           | Y            | Y            | N                     | N                                | Y                       | N                                  |
| 192 | Council and Budget Referrals - Project | Wildland Urban Interface Fire Safety and Fire Safety Education                                          | To address long term fire, earthquake and disaster preparedness, response, and safety: Refer all of the Proposed Measures from the Commission's report to the City Manager for review by the Fire Department, Public Works, Parks, Recreation & Waterfront and other affected departments to be considered and prioritized along with: Councilmember Bartlett's November 28, 2017 referrals, Councilmember Hahn's January 30, 2018 referrals, and The January 2018 Conceptual Study to Underground Utility Wires. All of these measures should be reviewed, evaluated and prioritized by the City Manager. Report the City Manager's prioritization to Council. | 0.00             | Work in Progress | Fire & Emergency Services                   | Y           | Y            | Y            | N                     | N                                | Y                       | N                                  |
| 193 | Council and Budget Referrals - Project | Treatment of women in custody at Santa Rita Jail                                                        | Refer to the Commission on the Status of Women the alleged offensive treatment of women in custody at Santa Rita Jail, as reported below with the aim of ensuring that searches of women not be conducted in the presence of men (be they male officers or inmates) and any other changes in protocol that might be needed to ensure appropriate policies are followed during searches of women in custody.                                                                                                                                                                                                                                                     | 0.00             | Work in Progress | City Manager's Office                       | Y           | Data Pending | N            | N                     | N                                | Data Pending            | N                                  |
| 194 | Council and Budget Referrals - Project | Traffic Circle Vegetation Maintenance Policy                                                            | Refer to Parks and Waterfront Commission and the Transportation Commission to establish a city/community task force to: a) Evaluate the City's current traffic circle vegetation policy and b) Conduct a community led process to update that policy to ensure pedestrian/bicycle/vehicle safety and preserve community efforts to beautify traffic circles.                                                                                                                                                                                                                                                                                                    | 0.00             | Not Started      | Parks, Recreation & Waterfront              | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 195 | Council and Budget Referrals - Project | Non-Citizen Voting in Berkeley Elections Refer to Peace and Justice Commission                          | Refer to the Peace and Justice Commission to consider preparation of an amendment to the Berkeley City Charter to be presented to the voters in Berkeley that would allow a non-citizen resident the right to vote in Berkeley city elections.                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Not Started      | City Manager's Office                       | Y           | N            | N            | N                     | N                                | Data Pending            | N                                  |
| 196 | Council and Budget Referrals - Project | Referral to Peace and Justice Commission to Further Protections for Immigrants and Religious Minorities | Adopt a Resolution referring to the Peace and Justice Commission to: 1. Identify entities involved in attempts to create databases and registries used to target immigrants and religious minorities, and make recommendations to the City Council on divesting from such entities; and 2. Identify all service providers to US Immigration and Customs Enforcement, and make recommendations to the City Council on prohibiting city investment in such service providers.                                                                                                                                                                                     | 0.00             | Not Started      | City Manager's Office                       | Y           | N            | N            | N                     | N                                | N                       | N                                  |



**Disposition of  
Referrals, Projects, and Audits**

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| 197 | Council and Budget Referrals - Project | Referral to the Peace & Justice Commission: Examine Internet Communications Platforms Servicing Berkeley                                                                                                                                                                         | Referral to the Peace & Justice Commission to examine the internet communications platforms servicing Berkeley to assess whether they are propagating or promoting racism and/or discrimination.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Not Started      | City Manager's Office                | Y           | N            | N            | N                     | N                                | Data Pending            | N                                  |
| 198 | Council and Budget Referrals - Project | Accessory Dwelling Unit Ordinance Updates                                                                                                                                                                                                                                        | Refer to the Planning Commission to consider additional elements for Berkeley's Accessory Dwelling Unit Ordinance (BMC 23C.24), on an expedited basis, and refer to the Disaster and Fire Safety Commission bullet point #5, relating to potential obstruction of emergency vehicles, and request that their recommendations be sent directly to the Planning Commission to inform the Planning Commission's review and recommendations. Amendments: Remove the language regarding view protections; Add new #9 on hillside heights measurements where no previous structure exists; Add "and any other solutions" to #5 regarding parking; Include the referral from Item 15 with this referral. | 0.00             | Not Started      | Fire & Emergency Services            | Y           | Y            | Y            | N                     | Y                                | Y                       | Y                                  |
| 199 | Council and Budget Referrals - Project | Amending Chapter 19.34 of the Berkeley Municipal Code to Expand Automatic Gas Shut-Off Valve Requirements in Multifamily, Condominium and Commercial Buildings Undergoing Renovations and to All Existing Buildings Prior to Execution of a Contract for Sale or Close of Escrow | Refer to the Disaster and Fire Safety Commission to consider an ordinance amending Berkeley Municipal Code (BMC) 19.34.040 to expand requirements for automatic natural gas shut-off valves or excess flow valves in multifamily, condominium and commercial buildings undergoing renovations and in all existing buildings prior to execution of a contract for sale or close of escrow. Ask the Commission to consider other triggers as appropriate. 01/14/21 (SM for DB)<br>DFSC recommendation to be reviewed by Planning prior to going to Council.                                                                                                                                         | 90.00            | Work in Progress | Fire & Emergency Services            | Y           | Y            | N            | N                     | N                                | Y                       | N                                  |
| 200 | Council and Budget Referrals - Project | Comprehensive Study of Emergency Services Call Center, Staffing and Development Systems<br><br>Revised Materials                                                                                                                                                                 | Refer to the City Manager and the Disaster and Fire Safety Commission to work with the Berkeley Fire Department and Berkeley Firefighters Association to investigate the Department's current practices and determine the feasibility of implementing a criteria-based dispatching system that allocates staffing based on need and risk, ensures that calls are prioritized based on acuity, and more efficiently delivers the appropriate allocation of resources to every 911 call. Include Alta Bates ER closure in analysis.                                                                                                                                                                 | 0.00             | Work in Progress | Fire & Emergency Services            | Y           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 201 | Council and Budget Referrals - Project | Referral to the Disaster and Fire Safety Commission and the City Manager: Five Year Plan for Expanded Disaster Preparedness Services                                                                                                                                             | Refer to the Disaster and Fire Safety Commission and the City Manager's office to explore developing a five year plan for expanded disaster preparedness services.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 0.00             | On Hold          | Fire & Emergency Services            | Y           | N            | N            | N                     | N                                | N                       | N                                  |
| 202 | Council and Budget Referrals - Project | Amending BMC Chapter 9.04: Tax Rate for Non-Medical Cannabis Businesses                                                                                                                                                                                                          | 2) refer to the Community Health Commission to study the health effects of cannabis and possible funding recommendations for allocating the tax revenue;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 0.00             | Not Started      | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 203 | Council and Budget Referrals - Project | First They Came for the Homeless Encampment                                                                                                                                                                                                                                      | to refer Item 38a back to the Homeless Commission with the chart of questions provided by Council and request that the commission develop a more specific policy that is broadly applicable.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 0.00             | Not Started      | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

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Referrals, Projects, and Audits**

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| 204 | Council and Budget Referrals - Project | Homeless Youth Policy                                                                                                                                            | Refer to the City Manager, the Homelessness Commission, and the Labor Commission to develop a Homeless Youth Policy for the City of Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Not Started      | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 205 | Council and Budget Referrals - Project | Homeless Youth Policy                                                                                                                                            | Refer to the City Manager, the Homelessness Commission, and the Labor Commission to develop a Homeless Youth Policy for the City of Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Work in Progress | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 206 | Council and Budget Referrals - Project | Mobile Shower Referral                                                                                                                                           | Refer to the Homeless Commission and City Manager the establishment of a mobile shower unit in Berkeley and assess the feasibility/cost of such a project in comparison to existing programs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 50.00            | Work in Progress | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 207 | Council and Budget Referrals - Project | Moderate-Income Housing Strategies [Housing Action Plan]                                                                                                         | Forward these strategies to the Housing Advisory Commission (HAC) and staff for follow-up as appropriate: 1. Renter Strategies: Encourage homeowners to rent out unused rooms. Encourage homeowners to build Accessory Dwelling Units (ADU's) that could be rented to tenants. 2. Owner/Renter Strategies: Continue to study the use of a small sites strategy to maintain affordability in existing housing. Commit to securing one site as a small sites case study that could be replicated. Encourage and support new development that is owned and financed in less traditional ways, including expanded use of land trusts, cooperative form of ownership, and other approaches, such as co-housing and collaborative housing. Promote construction of affordable housing on surplus public land, particularly for BUSD teachers and staff. 3. Allocation of New Funding Sources: Inform Berkeley residents of the new Measure A1 funds that will be available from the County to assist moderate-income homeowners. Allocate a portion of the Measure U1 funds for moderate-income housing development. | 0.00             | Not Started      | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 208 | Council and Budget Referrals - Project | Neighborhood Preference in Affordable Housing to Reduce the Impact of Displacement and Ellis Act Evictions (Continued from March 29, 2016) [Housing Action Plan] | Refer to the City Manager and Planning Commission an ordinance to clarify existing preferences in allocating City affordable housing units to Berkeley residents living within ½ mile of any new development and tenants evicted under the Ellis Act, expand the second category of preference for eligible tenants displaced under the Ellis Act to include certain tenants displaced through an Owner Move-In or (Measure Y) eviction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 0.00             | Work in Progress | Health, Housing & Community Services | Y           | Y            | Y            | Y                     | N                                | Y                       | Y                                  |
| 209 | Council and Budget Referrals - Project | Referral to the Health Commission to Consider a "Deemed Approved Ordinance"                                                                                      | Refer to the Health Commission to consider a Concurrent Sales of Gasoline and Alcoholic Beverages Law regulating the concurrent sales of gasoline and alcoholic beverages. Deem such establishments approved, subject to their adherence to certain standards of behavior.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0.00             | Not Started      | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

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Referrals, Projects, and Audits**

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| 210 | Council and Budget Referrals - Project | Decriminalizing Entheogenic Plants                                                                              | Refer to the Community Health Commission to consider the possibility of de-prioritizing enforcement of laws relating to entheogenic plants and fungi by persons over 21 years of age. Consider potential health and community benefits and concerns, as well as possible policy variations with regard to possession, use, growing/production, and sales; quantities involved; use while driving; use during pregnancy and other possible "special circumstances considerations."                                                                                                                                                                                                                                                 | 0.00             | Not Started | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 211 | Council and Budget Referrals - Project | Housing for a Diverse, Equitable and Creative Berkeley: Proposing a Framework for Berkeley's Affordable Housing | Refer to the Housing Advisory Commission, the Measure O Bond Oversight Committee, and the Homeless Services Panel of Experts to consider the proposed Housing for a Diverse, Equitable and Creative Berkeley framework (the "Framework") and return comments for consideration at a Special Meeting of the City Council in the early fall, to inform a final version the City Council will adopt to guide Berkeley's affordable housing policies, programs and projects through 2030. The item is further amended to add a "Draft" notation, remove the phrase "rather than for profit-maximizing companies" from Section II, and remove reference to the 50% goal.                                                               | 0.00             | Not Started | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 212 | Council and Budget Referrals - Project | Local Construction Workforce Development Policy                                                                 | Policy Recommendation: That the City Council refer to the Commission on Labor to address the shortage of qualified local construction workers; worker retention, and elevated labor costs through the creation of a construction workforce development policy. This local workforce development policy will encourage housing and nonresidential development applicants to require contractors to utilize apprentices from state-approved, joint labor-management training programs, and to offer employees employer-paid health insurance plans. The policy will help stabilize regional construction markets; and enhance productivity of the construction workforce Berkeley needs to meet its General Plan's build-out goals. | 0.00             | Not Started | Health, Housing & Community Services | Y           | N            | N            | N                     | N                                |                         | N                                  |
| 213 | Council and Budget Referrals - Project | Local Construction Workforce Development Policy                                                                 | Policy Recommendation: That the City Council refer to the Commission on Labor to address the shortage of qualified local construction workers; worker retention, and elevated labor costs through the creation of a construction workforce development policy. This local workforce development policy will encourage housing and nonresidential development applicants to require contractors to utilize apprentices from state-approved, joint labor-management training programs, and to offer employees employer-paid health insurance plans. The policy will help stabilize regional construction markets; and enhance productivity of the construction workforce Berkeley needs to meet its General Plan's build-out goals. | 0.00             | Not Started | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                                                                                                                                                                                                        | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Percent Complete | State       | Lead City Department                 | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 214 | Council and Budget Referrals - Project | Refer on a Short Term Basis to the Planning Commission Close a Loophole for Avoiding the Mitigation Fee through Property Line Manipulation and to Consider Modifying the In Lieu Fee Structure for Owner Occupied Units; Refer to the Housing Advisor Commission to Assess the Rate of a Fixed Per-Unit Fee for Owner-Occupied Developments | 1. Refer to the Planning Commission an amendment to BMC Section 23C.12.020 (Inclusionary Housing Requirements – Applicability of Regulations) and BMC Section 22.20.065 (Affordable Housing Mitigation Fee) to close a loophole allowing prospective project applicants to avoid inclusionary affordable housing requirements for projects by modifying property lines so that no lot is large enough to construct five or more units; the Commission should return to Council with a report by April 30, 2019.<br>2. Refer to the Planning Commission to consider modifying the structure of in-lieu fees for owner-occupied developments to a flat per-unit fee, as with rental developments, or a per square foot fee; the Commission should return to Council with a report.<br>3. Refer to the Housing Advisory Commission to assess the appropriateness of the fee level as suggested in the proposed amendments to BMC 23C.12.<br>4. The Planning Commission is to consider the following language from the item submitted at the meeting: It is possible that the new fee structure will be adopted prior to the Housing Advisory Commission approving the level of the fee. In this instance, those projects that opt to pay the in-lieu fee and are permitted after the new fee structure is adopted but before the new fee level is adopted shall be given the choice of paying the current fee level, or the one that is adopted. | 0.00             | Not Started | Health, Housing & Community Services | Y           | N         | Y       | N                     | N                                | Y                       | Y                                  |
| 215 | Council and Budget Referrals - Project | Refer to the City Manager and the Housing Advisory Commission to Consider Reforming the Affordable Housing Mitigation Fee                                                                                                                                                                                                                   | Refer to the City Manager, the Planning Commission, and the Housing Advisory Commission to consider possible reforms to the Affordable Housing Mitigation Fee, including adopting a per-square-foot fee structure, potentially on a geographic basis.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 0.00             | Not Started | Health, Housing & Community Services | Y           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 216 | Council and Budget Referrals - Project | Refer to the Planning Commission and Housing Advisory Commission to Research and Recommend Policies to Prevent Displacement and Gentrification of Berkeley Residents of Color and African Americans                                                                                                                                         | Refer to the Planning Commission and Housing Advisory Commission to research and recommend policies to prevent displacement and gentrification of Berkeley residents of color. Recommended policies should include real solutions. The Commission should do the following: - Develop a policy to address the erosion of People of Color (POC), including the African American sector of our Berkeley society. - Develop rules and regulations to halt the loss of People of Color including the African American communities. - Develop a "right to return" for Berkeleyans, including the African American communities who have been displaced by these economic and social developments, and those who continue to be employed in our City, even after having to relocate beyond our boundaries. - Solicit expert and lived experience testimonies regarding displacement and gentrification. - Recommend alternatives to prevent displacement and gentrification of our valued Berkeley residents of color and African Americans. Recommendation includes a request for public workshops.                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Not Started | Health, Housing & Community Services | Y           | N         | Y       | Y                     | N                                | Y                       | Y                                  |

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| 217 | Council and Budget Referrals - Project | Small Sites Loan Program Recommendations                                                                                    | 4. Request that the Council and Housing Advisory Commission receive copies of small sites loan applications along with staff's corresponding analysis and decision.<br>6. Refer further consideration of a long-term small sites program to the City Manager and the Housing Advisory Commission.<br>7. Refer the small sites program to the November budget update and next biannual budget planning cycle in 2019.                                                       | 0.00             | Not Started      | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 218 | Council and Budget Referrals - Project | Referral: Telegraph Crosswalk Art Installations                                                                             | Refer to the Civic Arts Commission to develop and return to Council with a plan to:<br>1. Create a public contest to design new crosswalk art on Telegraph at the intersections of Bancroft, Durant, Channing, Haste, and Dwight Streets.<br>2. Build the winning design on the intersections.                                                                                                                                                                             | 0.00             | Not Started      | Office of Economic Development       | Y           | N            | Y            | N                     | N                                | Data Pending            | Y                                  |
| 219 | Council and Budget Referrals - Project | Replacement Mural for Center for Independent Living (CIL)                                                                   | Request the Arts Commission to consider, with CIL representatives, potential locations and suggestions for a new mural to replace that which was at the CIL Telegraph site.                                                                                                                                                                                                                                                                                                | 0.00             | Not Started      | Office of Economic Development       | Y           | N            | Y            | N                     | N                                | Data Pending            | Y                                  |
| 220 | Council and Budget Referrals - Project | Consider Fire Safety Options for Fire Pit at Codornices Park                                                                | Referral to the Parks & Waterfront Commission to consider safety options regarding the future of the fire pit at Codornices Park. Please consider 1) Complete removal of fire pit or 2) Manufacture of a cover that can be secured and locked.                                                                                                                                                                                                                             | 0.00             | Not Started      | Parks, Recreation & Waterfront       | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 221 | Council and Budget Referrals - Project | Direction to the Children, Youth, and Recreation Commission: Tackle the Summer Learning Loss for Elementary School Children | Direct the Children, Youth, and Recreation Commission to tackle the summer learning loss for low-income elementary children through: 1. Consolidation, Education, & Outreach as outlined in the report; and 2. Assessment & Policy Recommendations as outlined in the report.                                                                                                                                                                                              | 0.00             | Not Started      | Parks, Recreation & Waterfront       | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 222 | Council and Budget Referrals - Project | Pollinators and Habitat (Commission Referral)                                                                               | Adopt three referrals that will deepen Berkeley's commitment to protecting pollinator plants and establishing habitats that will protect pollinators and our environment:<br>2. Refer to Public Works Commission and Parks and Waterfront Commission consideration of how to incorporate pollinators and habitat into the Adopt-A-Spot initiative referred on April 2, 2019. (COMMISSION REFERRAL)<br>Parts 1 and 3 referred to City Manager                               | 0.00             | Not Started      | Parks, Recreation & Waterfront       | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 223 | Council and Budget Referrals - Project | Potential Recreational Opportunities at Willard Park and Pool                                                               | Refer the issue of recreational opportunities in the vicinity of Willard Park to the City Manager, Parks and Waterfront Commission and the 2X2 Committee of the City Council and the Board of Education to determine the best course of action for increased recreational equity in South Berkeley, including but not limited to the re-opening of Willard Pool. Authorize staff to develop cost estimates for a minimal level of repairs to get Willard Pool operational. | 0.00             | Work in Progress | Parks, Recreation & Waterfront       | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

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| 224 | Council and Budget Referrals - Project | Referral to the City Manager and Parks and Waterfront Commission to Create a Policy to Establish a Commemorative Tree Program                                                                                                                                                                                                 | Refer to the City Manager and the Parks and Waterfront Commission the creation of a policy establishing a Commemorative Tree Program, similar to the City's Park Bench Donation Policy.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 0.00             | Not Started      | Parks, Recreation & Waterfront | Y                                                                        | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 225 | Council and Budget Referrals - Project | Referral to the Parks and Waterfront Commission: Greg Brown Park                                                                                                                                                                                                                                                              | Recommend that the Parks and Waterfront Commission consider initiating a community process regarding the reopening of Greg Brown Park. Conduct a public hearing and invite relevant stakeholders – including neighbors, representatives from the Berkeley Police and the Parks, Recreation, and Waterfront Department. Include an assessment of any funding requirements and/or public safety concerns. Prepare a report for submission to Council summarizing feedback from the public hearing and the commission's recommendations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Not Started      | Parks, Recreation & Waterfront |                                                                          | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 226 | Council and Budget Referrals - Project | Ban on Receipts Made with BPA and Other Phenols                                                                                                                                                                                                                                                                               | Refer to the Health Commission and the Community Environmental Advisory Commission to consider an Ordinance to ban the manufacture, distribution, sale, or use of receipt paper that contains BPA or other phenols, and request that the commissions conduct at least one public hearing that includes invitations to local business associations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0.00             | Not Started      | Planning                       | Y                                                                        | N            | N            | N                     | N                                | Y                       | N                                  |
| 227 | Council and Budget Referrals - Project | COUNCIL DIRECTION ON COMMUNITY BENEFITS NEEDS FOLLOW UP WORK AND REPORT TO COUNCIL   City Manager and Planning Commission Referral: Facilitate Primarily Student Housing by a Twenty Feet Height Increase and Adjust Floor Area Ratio in the R-SMU, R-S and R-3 Areas Only From Dwight to Bancroft and From College to Fulton | Refer to the City Manager and Planning Commission to facilitate primarily Student Housing by amending the Zoning Ordinance to add a twenty feet height increase and adjust Floor Area Ratio in the R-SMU, R-S and R-3 areas only from Dwight to Bancroft and from College to Fulton.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 50.00            | Work in Progress | Planning                       | Involves Planning Commission                                             | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 228 | Council and Budget Referrals - Project | Housing Accountability Act                                                                                                                                                                                                                                                                                                    | Refer to the City Manager, Planning Commission, Zoning Adjustments Board, and Design Review Committee to consider the following actions, and others they may find appropriate, to address the potential impacts of the Housing Accountability Act and to preserve local land use discretion: 1. Amend the General Plan and Zoning Ordinance to adopt numerical density and/or building intensity standards that can be applied on a parcel-by-parcel basis in an easy and predictable manner. These would constitute reliable and understandable "objective general plan and zoning standards" that would establish known maximum densities. This could be done across the board or for specified districts. 2. Devise and adopt "objective, identified written public health or safety standards" applicable to new housing development projects. 3. Adopt "design review standards that are part of 'applicable, objective general plan and zoning standards and criteria". 4. Quantify and set objective zoning standards and criteria under the first sentence of Government Code Section 65589.5(j) for views, shadows, and other impacts that often underlie detriment findings. | 25.00            | Work in Progress | Planning                       | Involves Joint Subcommittee for the Implementation of State Housing Laws | N            | Y            | Y                     | Y                                | N                       | N                                  |

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| 229 | Council and Budget Referrals - Project | Referral to Planning Commission to Amend Zoning Ordinance (non-commercial ground floor)                           | Refer to the Planning Commission an amendment to the Zoning Ordinance to create a use permit process to allow non-commercial use on the ground floor where commercial might otherwise be required.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 25.00            | Work in Progress | Planning             | Y           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 230 | Council and Budget Referrals - Project | Referral to the Community Environmental Advisory Commission and the City Manager: Anti-Idling Ordinance           | Refer to the Community Environmental Advisory Commission and the City Manager to explore developing an anti-idling ordinance. The ordinance should limit vehicle engine idling when a vehicle is parked, stopped, or standing, including for the purpose of operating air conditioning equipment; and prohibit all unattended private passenger motor vehicles from idling. The ordinance should outline enforcement and citation procedures. The Commission and the City Manager should develop appropriate exceptions for commercial vehicles. Any funds received through enforcement of the ordinance should accrue to the General Fund to provide additional funding for sustainability efforts. The Community Environmental Advisory Commission and the City Manager should review the District of Columbia's anti-idling regulations (attached to report) to aide in the development of the ordinance. | 0.00             | Not Started      | Planning             | Y           | N            | N            | N                     | N                                | Y                       | N                                  |
| 231 | Council and Budget Referrals - Project | Referral to the Community Environmental Advisory Commission and the City Manager: Anti-Idling Ordinance           | Refer to the Community Environmental Advisory Commission and the City Manager to explore developing an anti-idling ordinance. The ordinance should limit vehicle engine idling when a vehicle is parked, stopped, or standing, including for the purpose of operating air conditioning equipment; and prohibit all unattended private passenger motor vehicles from idling. The ordinance should outline enforcement and citation procedures. The Commission and the City Manager should develop appropriate exceptions for commercial vehicles. Any funds received through enforcement of the ordinance should accrue to the General Fund to provide additional funding for sustainability efforts. The Community Environmental Advisory Commission and the City Manager should review the District of Columbia's anti-idling regulations (attached to report) to aide in the development of the ordinance. | 50.00            | Work in Progress | Planning             | Y           | N            | N            | N                     | N                                | Y                       | N                                  |
| 232 | Council and Budget Referrals - Project | Referral: Update the definition of "Research and Development"                                                     | Refer to the Planning Commission to update the definition of "Research and Development."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0.00             | Not Started      | Planning             | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 233 | Council and Budget Referrals - Project | Removing Plastic Microfibers From The Water Supply: A Referral to the Community Environmental Advisory Commission | Refer to the Community Environmental Advisory Commission to assess the City's capacity to participate in an outreach program informing residents of the harmful nature of microfibers. Revised to add that the Council will send a letter to EBMUD requesting a report on EBMUD's water sourcing measures in drought years; and that the letter will be submitted to Council as an information item.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 0.00             | Not Started      | Planning             | N           | N            | N            | N                     | N                                | Y                       | N                                  |

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| 234 | Council and Budget Referrals - Project | Refer the Police Review Commission to create training requirements for Police Review Commissioners                                                      | Request that the Police Review Commission establishes mandatory training requirements for Police Review Commissioners, with input from the Police Review Commission Officer and Chief of Police. Recommendation amended to request that the commission consult with the City Manager regarding the training.                                                                                                                                                                                                                                                                                | 0.00             | Not Started | Police Review Commission | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 235 | Council and Budget Referrals - Project | Refer the Police Review Commission to extend time period to impose discipline on Berkeley Police officers pursuant to Police Review Commission findings | Recommend that the Council refer to the Police Review Commission to extend the time limit for Police Review Commission investigations and notification of discipline from the current limit to one calendar year.                                                                                                                                                                                                                                                                                                                                                                           | 0.00             | Not Started | Police Review Commission | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 236 | Council and Budget Referrals - Project | City Manager Referral: Improving the City's Elevator Ordinance                                                                                          | Referral to the City Manager and Commission on Disability to improve the City's Elevator Ordinance by addressing the concerns of the disabled community.                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.00             | Not Started | Public Works             | Y           | N            | N            | N                     | N                                | Y                       | N                                  |
| 237 | Council and Budget Referrals - Project | Oversized Vehicle Restrictions on Bicycle Boulevards                                                                                                    | Refer to the Transportation Commission a draft ordinance amending Berkeley Municipal Code Chapter (BMC) 14.56.050 to prohibit commercial trucks exceeding five tons gross vehicle weight from utilizing streets comprising the bicycle boulevards network. Request that the commission work with business associations, the size limitations, the streets subject to the restrictions, and the clarifications added by Councilmember Wengraf related to emergency vehicles.                                                                                                                 | 0.00             | Not Started | Public Works             | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 238 | Council and Budget Referrals - Project | Pavement of Derby Street and Ward Street between Telegraph Ave and Shattuck Ave                                                                         | That the Council refers consideration of the paving of Derby St. and Ward St. between Shattuck Ave and Telegraph Ave to the Public Works Commission in order to repair these deteriorating streets that serve as a part of a major commuter corridor which both individual drivers and buses use in their daily commute.                                                                                                                                                                                                                                                                    | 0.00             | Not Started | Public Works             | Y           | N            | N            | N                     | N                                | N                       | Y                                  |
| 239 | Council and Budget Referrals - Project | Protected Pedestrian Walkways                                                                                                                           | Refer to the City Manager and request that the Transportation Commission review and craft potential policy solutions—including but not limited to open or covered protected walkways—to improve pedestrian accessibility immediately surrounding construction or sidewalk upgrades.                                                                                                                                                                                                                                                                                                         | 0.00             | Not Started | Public Works             | Y           | N            | N            | N                     | N                                |                         |                                    |
| 240 | Council and Budget Referrals - Project | Reassessing Traffic Calming Policy                                                                                                                      | Refer to the Transportation Commission to re-evaluate the City's qualifying criteria and ranking and prioritization process for traffic calming, by considering the following possibilities, among other changes that would promote safe residential streets and maximize the public health benefit of the traffic calming program: -Lowering the speed limit criteria to read "where the 85th percentile speed profile is greater than the speed limit" instead of "greater than 5 mph over the speed limit." -Taking alignment with the City's bicycle and pedestrian plans into account. | 0.00             | Not Started | Public Works             | Y           | N            | N            | N                     | N                                |                         |                                    |
| 241 | Council and Budget Referrals - Project | Refer the Transportation Commission to consider incentives for the public to use sustainable modes of transportation similar to Bologna, Italy          | Refer to the Transportation Commission to create incentives for members of the public to cycle, walk and take public transport as opposed to driving.                                                                                                                                                                                                                                                                                                                                                                                                                                       | 0.00             | Not Started | Public Works             | Y           | N            | N            | N                     | N                                | N                       | N                                  |



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| 242 | Council and Budget Referrals - Project | Refer to the City Manager, Disability Commission, and Planning Commission to Develop an Ordinance Requiring New Residential Buildings to Provide Auto-door Openers and Roll-in Showers | Refer to the City Manager, Disability Commission, and Planning Commission to require new residential buildings in Berkeley to include essential wheelchair-accessible modifications such as auto door openers and roll-in showers.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 0.00             | Work in Progress | Public Works         | Y           | N            | N            | N                     | N                                | N                       | N                                  |
| 243 | Council and Budget Referrals - Project | Refer to the Commission on Disability to examine the impacts that the parking citation system may have on persons with low income and disabilities                                     | Refer to the Commission on Disability to examine the impacts that the parking citation system may have on people with low income and disabilities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 0.00             | Not Started      | Public Works         | Y           | N            | N            | N                     | N                                | N                       | N                                  |
| 244 | Council and Budget Referrals - Project | Refer to the Commission on Disability to examine the impacts that the parking citation system may have on persons with low income and disabilities                                     | Refer to the Commission on Disability to examine the impacts that the parking citation system may have on people with low income and disabilities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 0.00             | Not Started      | Public Works         | Y           | N            | N            | N                     | N                                | N                       | N                                  |
| 245 | Council and Budget Referrals - Project | Referral: Measures to Address Traffic Enforcement and Bicycle Safety                                                                                                                   | 1. Refer to the Transportation Commission to consider a Resolution deprioritizing enforcement against the Idaho Stop convention for persons operating a bicycle, in an empty intersection after the operator has yielded to any other road users with the right of way, by limiting the use of any City funds or resources in assisting in the enforcement or issuance of citations for bicyclist violations of California Vehicle Code Section 22450(a), and to develop a process for evaluating the before and after effects on safety.                                                                                                                                                                                                                                                                                                                                                         | 0.00             | Not Started      | Public Works         | Y           | N            | N            | N                     | N                                | Y                       | N                                  |
| 246 | Council and Budget Referrals - Project | Referral: Street Lighting Near Campus                                                                                                                                                  | Refer to the Public Works Commission to include the following in the Street Lighting Subcommittee Work Plan, for the purposes of seeking input from key stakeholders and bringing together work that happens through parallel processes. The Subcommittee should: 1. Invite input from representatives from the UC Berkeley administration, UC Berkeley undergraduate and graduate students, UCPD and BPD, the Department of Public Works, and other relevant groups. 2. Develop a streamlined and accessible process for requesting street lights that includes neighborhood and campus input, while recognizing the overriding public safety concern posed by substandard lighting. 3. Develop a plan for expeditiously installing new streetlights near campus that prioritizes high-crime areas, high-injury pedestrian corridors, and student-priority areas as determined by student input. | 0.00             | Work in Progress | Public Works         | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 247 | Council and Budget Referrals - Project | Report on Public Realm Pedestrianization Opportunities                                                                                                                                 | Refer to the Transportation Commission to generate a report on potential public realm pedestrianization opportunities in Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 0.00             | Not Started      | Public Works         | Y           | N            | N            | N                     | N                                | N                       | N                                  |
| 248 | Council and Budget Referrals - Project | Restricting the Number of Vehicles Being Parked on Our Streets                                                                                                                         | Refer to the Transportation Commission to establish an ordinance that would prevent the parking of many multiples of vehicles on any given Berkeley street, or contiguous streets, by an individual owner.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 0.00             | Not Started      | Public Works         | Y           | N            | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

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| 249 | Council and Budget Referrals - Project / Strategic Plan - Project | Street Sweeping Improvement Plan                                                                                                                             | Refer to the City Manager, Public Works commission, and Zero Waste commission to develop a new strategy to ensure that street sweeping is not obstructed by waste/recycling pick-up. In addition to being unsightly, without proper street sweeping, trash and debris are more likely to go into the stormwater drains. Specifically 1. Staff should provide a map of streets in which sweeping days and waste/recycling pickup coincide to better understand where and when this problem occurs; and 2. Staff and Commissions should return to Council with a proposed solution including, but not limited to, rescheduling street sweeping and waste/recycling pickups to ensure that both services do not occur on the same day. | 0.00             | Not Started        | Public Works          | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 250 | Open Audit Recommendation                                         | City at Crossroads as Long-Standing Need for Structured Approach to Line of Business Experts Function Intersects with ERP Implementation- Recommendation 1.1 | Clearly define the purpose, responsibilities, minimum qualifications, and training requirements for the line of business experts function.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Data Pending     | Partly Implemented | City Manager's Office | N           | Y            | N            | N                     | N                                | Data Pending            | Data Pending                       |
| 251 | Open Audit Recommendation                                         | City at Crossroads as Long-Standing Need for Structured Approach to Line of Business Experts Function Intersects with ERP Implementation- Recommendation 1.2 | Work with Information Technology to establish written policies and procedures for the line of business experts function at the appropriate organizational level based on the guiding principles established in Recommendation 1.1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Data Pending     | Partly Implemented | City Manager's Office | N           | Y            | N            | N                     | N                                | Data Pending            | Data Pending                       |
| 252 | Open Audit Recommendation                                         | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16) - Recommendation 6.6                                                                    | Use the information learned from surveying project managers and administrative staff (Recommendation 6.5) to identify critical business needs for the purchase of a comprehensive grants management system. Provide this information to the Department of Information Technology to use as part of Enterprise Resource Planning.                                                                                                                                                                                                                                                                                                                                                                                                    | 0.00             | Not Started        | City Manager's Office | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 253 | Open Audit Recommendation                                         | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 1.1                                                                     | Issue an internal policy assigning the division responsible for overall grants accounting (e.g., billing and monitoring receivables) and reporting. Make it clear to project managers that they are responsible for providing information on the grants they manage to the appointed division to assist with grants accounting.                                                                                                                                                                                                                                                                                                                                                                                                     | 0.00             | Not Started        | City Manager's Office | N           | N            | N            | N                     | N                                | Data Pending            | N                                  |
| 254 | Open Audit Recommendation                                         | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 1.2                                                                     | Create a work team of Public Works staff who administer and manage grants. Team members should include the position responsible for overall grants accounting and reporting, and staff from the divisions that manage grants (e.g., Engineering and Transportation). The team should work collectively to evaluate their respective functions and their interrelated roles and responsibilities for grants management, billing, and accounting; and work towards developing an effective workflow that provides for accurate and timely grants accounting and reporting.                                                                                                                                                            | 0.00             | Not Started        | City Manager's Office | N           | N            | N            | N                     | N                                | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                      | Name                                                                                     | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Percent Complete | State       | Lead City Department  | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|---------------------------|------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------|-----------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 255 | Open Audit Recommendation | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 1.3 | <p>Require the grants team to work collectively to develop a written procedures manual that clearly explains roles, responsibilities, and workflows. The manual should:</p> <ul style="list-style-type: none"> <li>▪ provide guidance on the overall grant application, approval, and monitoring process within the department</li> <li>▪ refer to other applicable policies and procedures such as City Administrative Regulation 1.17 and Contracts Online</li> <li>▪ describe the specific tasks performed within divisions and/or by job classification</li> <li>▪ identify the forms and data sheets that staff are to use for recording, tracking, and monitoring grants (also see Recommendations 5.1 and 6.2)</li> <li>▪ describe coordinating efforts needed between divisions and with the grant coordinator in Finance</li> <li>▪ identify timelines and requirements for reporting, performing reconciliations, and providing information to the Finance grant coordinator (also see Recommendation 2.2)</li> <li>▪ provide enough detail to more easily train new hires or staff with new responsibilities</li> </ul> <p>As with all procedures, the work team should consider the manual a living document that they review and update regularly to reflect changes in practices, procedures, and assignments.</p> | 0.00             | Not Started | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 256 | Open Audit Recommendation | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 1.4 | <p>Require the grants work team to have regular meetings to share information and discuss workflows between their divisions. These meetings may need to be more frequent at first, e.g., quarterly, and less frequent over time, e.g., annually. The team should invite the Finance grant coordinator to their meetings to ensure the coordinator is receiving the necessary information for recording grants to the central repository and issuing grants receivables reports.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 0.00             | Not Started | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 257 | Open Audit Recommendation | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 2.1 | <p>Provide the Finance grant coordinator with a list of personnel who are responsible for grants management, accounting, and reporting so that they can be notified when the grant coordinator posts the grants reports to the City's shared drive.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 0.00             | Not Started | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 258 | Open Audit Recommendation | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 2.2 | <p>Require the division responsible for grants accounting and reporting to use Finance's grant reports to:</p> <ul style="list-style-type: none"> <li>▪ reconcile Public Works' grant financial records with FUND\$ to ensure that the department is recording expenditures and payments to the correct accounts</li> <li>▪ work with Finance to make any necessary corrections to FUND\$ financial data when they identify discrepancies and errors</li> <li>▪ track grants receivables and follow up with grantors on outstanding receivables</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 0.00             | Not Started | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                      | Name                                                                                     | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Percent Complete | State       | Lead City Department  | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|---------------------------|------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------|-----------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 259 | Open Audit Recommendation | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 3.1 | Take ownership of City Administrative Regulation 1.16 and:<br><ul style="list-style-type: none"> <li>▪ review and update the regulation so that it is consistent with City practices and procedures, and cross reference the regulation to other guidance and policies, e.g., Contracts Online and City Administrative Regulation 1.17</li> <li>▪ reissue the updated guidance to all City staff with emphasis on ensuring that project managers and those responsible for identifying and applying for grant funding are notified of the update</li> </ul> | Data Pending     | Started     | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 260 | Open Audit Recommendation | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 4.1 | Request that all department directors notify their grant management and accounting staff of City Administrative Regulation 1.17, and their expectations that staff adhere to the guidance.                                                                                                                                                                                                                                                                                                                                                                  | Data Pending     | Started     | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 261 | Open Audit Recommendation | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 5.1 | Require those responsible for grant accounting use the summary of charges sheet and work with project managers and the Finance grant coordinator to obtain the data they need to populate the sheet (also see Recommendations 1.3 and 1.4).                                                                                                                                                                                                                                                                                                                 | 0.00             | Not Started | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 262 | Open Audit Recommendation | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 6.1 | Require that all department directors ensure that their staff with grants management and fiscal responsibilities receive the following training:<br><ul style="list-style-type: none"> <li>▪ City Administrative Regulation 1.17: Pre-Award Authorization and Post-Award Grant Requirements</li> <li>▪ Contracts Online, in particular, the revenue contract requirements</li> </ul>                                                                                                                                                                        | 0.00             | Not Started | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 263 | Open Audit Recommendation | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 6.2 | Require all departments that receive financial assistance from a third-party to ensure that their written procedures clarify that all such awards are consider grants and must be packaged in accordance with Contracts Online, and to follow City Administrative Regulation 1.17 to ensure that the grant coordinator receives the grant accounting data sheet (also see Recommendation 1.3).                                                                                                                                                              | 0.00             | Not Started | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | Data Pending                       |
| 264 | Open Audit Recommendation | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 6.3 | Notify department directors when the grant coordinator finds that project managers and administrative staff are not providing grant information in accordance with City policy. Request that the department directors refer their staff to City Administrative Regulation 1.17, Contracts Online, and departmental procedures for guidance on ensuring they adhere to required grant policies and procedures.                                                                                                                                               | 0.00             | Not Started | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | Data Pending                       |
| 265 | Open Audit Recommendation | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 6.5 | Survey project managers and administrative staff who are responsible for grants management, reporting, and accounting to identify ways to improve the current grant database and reporting so that data are current and accurate, and reports are more user-friendly.                                                                                                                                                                                                                                                                                       | 0.00             | Not Started | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                      | Name                                                                                                                             | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Percent Complete | State              | Lead City Department  | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 266 | Open Audit Recommendation | Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight-Recommendation 1.3 | Conduct a staffing analysis to determine the appropriate staffing level needed for the Code Enforcement Unit to effectively enforce City codes. In conducting the analysis, include an assessment of the workload impact created by the codes for which the CEU is solely responsible as well as those created by the codes for which CEU shares responsibility with other enforcement units.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 0.00             | Not Started        | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 267 | Open Audit Recommendation | Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight-Recommendation 1.4 | Use the staffing analysis performed in response to Recommendation 1.3 to:<br><ul style="list-style-type: none"> <li>• Quantify the full burden cost of additional staff</li> <li>• Determine if sufficient budgetary funding is available for additional staff</li> <li>• Request additional staffing from Council during the annual appropriations process</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 0.00             | Not Started        | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 268 | Open Audit Recommendation | Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight-Recommendation 1.7 | Implement code enforcement software that:<br><ul style="list-style-type: none"> <li>• Identifies case assignment to CEU officers and other work units</li> <li>• Prioritizes cases, in particular high-risk cases posing health and safety risks</li> <li>• Captures pertinent case dates, e.g., opened, notice of violation, citation issuance, and closed</li> <li>• Tracks enforcement actions taken within the CEU and other work units</li> <li>• Quantifies citations issued and collected</li> <li>• Allows for readily identifying repeat offenders</li> <li>• Includes performance measurement tools, e.g., turnaround times within defined specifications (see Recommendation 2.2)</li> <li>• Allows for uploading information from mobile technologies (see Recommendation 1.8)</li> <li>• Includes reporting tool to showcase workload trends and capacity restrictions (i.e., backlogs)</li> </ul> | Data Pending     | Partly Implemented | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 269 | Open Audit Recommendation | Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight-Recommendation 2.2 | Implement performance metrics and goals to:<br><ul style="list-style-type: none"> <li>• Assess the effectiveness of code enforcement operations and goal achievement</li> <li>• Identify constraints preventing goal attainability.</li> <li>• Submit regular reports, e.g., biannually, to City management on performance.</li> </ul> <p>Include a metric to provide at least some proactive code enforcement activities. Develop this metric after implementing the process and system improvement recommendations made in this report.</p>                                                                                                                                                                                                                                                                                                                                                                   | Data Pending     | Partly Implemented | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                      | Name                                                                                                                            | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Percent Complete | State              | Lead City Department                  | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 270 | Open Audit Recommendation | Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight- Recommendation 5 | If budgetary constraints prevent additional staffing or if Council does not approve the budget needed to fund additional staffing, report to Council the restrictions placed on the Code Enforcement Unit's ability to effectively enforce City codes. Include information explaining the hindrance this will cause for any new ordinances the City Council may want to pass in the future. Provide this information regularly, for example, annually as part of the budget process, to keep Council informed of the CEU's capacity restrictions. See also Recommendation 1.7.                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Data Pending     | Partly Implemented | City Manager's Office                 | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 271 | Open Audit Recommendation | Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight- Recommendation 8 | Implement mobile computers and printers to allow Code Enforcement Officers to complete more work in the field, thus improving their time spent in the community and reducing time in the office. Mobile computers should have the capacity to interface with the code enforcement case management software implemented in response to Recommendation 1.7.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Data Pending     | Partly Implemented | City Manager's Office                 | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 272 | Open Audit Recommendation | Leases Audit: Conflicting Directives Hinder Contract Oversight- Recommendation 1.1                                              | The City Manager should formalize and approve the division of responsibilities between the Public Works department and other departments regarding lease management.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Not Started        | City Manager's Office                 | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 273 | Open Audit Recommendation | Leases Audit: Conflicting Directives Hinder Contract Oversight- Recommendation 1.2                                              | The Public Works department should determine and formally define the role of the real property administration staff given available resources.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 0.00             | Not Started        | City Manager's Office                 | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 274 | Open Audit Recommendation | Leases Audit: Conflicting Directives Hinder Contract Oversight- Recommendation 1.5                                              | Formally communicate the plan with all affected City departments.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0.00             | Not Started        | City Manager's Office                 | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 275 | Open Audit Recommendation | Most Contracts Executed Timely but Contract Project Managers Could Use Better Tools and Guidance- Recommendation 5              | Require departments to document their specific procedures for contract preparation, oversight, and management. Procedures should include: <ul style="list-style-type: none"> <li>• planning for department specific actions, e.g., obtaining management's approval</li> <li>• tracking contract status and funding needs</li> <li>• attending City training courses when offered, e.g., contract preparation and FUND\$ 101</li> <li>• describing shared contract management responsibilities between project managers and support staff</li> <li>• requiring projects managers to coordinate with and respond to support staff's needs for contract administration</li> <li>• requesting contract extensions</li> <li>• aligning contract needs with department work plans</li> <li>• using Finance's contract process timelines and On Demand report of expiring contracts for contract planning (also see recommendations 1.1 and 1.2)</li> <li>• minimum level of documentation needed to effectively manage contracts</li> </ul> | Data Pending     | Started            | City Manager's Office                 | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 276 | Open Audit Recommendation | Berkeley's Ethical Climate Rated Strong Overall and Management Working to Make it Better - Recommendation 4                     | Develop a system for tracking, analyzing, and reporting on suspected misconduct, including written guidance and forms (or similar) to assist employees in making reports.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Data Pending     | Started            | City Manager's Office/Human Resources | N           | Y         | Y       | N                     | N                                | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                      | Name                                                                                                         | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Percent Complete | State              | Lead City Department                  | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 277 | Open Audit Recommendation | Berkeley's Ethical Climate Rated Strong Overall and Management Working to Make it Better- Recommendation 1.2 | Promote ethical standards to employees and the public by:<br><br>1) Including the City's ethics statement in the new employee packet and discussing the City's commitment to ethical standards in new employee orientation<br><br>2) Providing all employees with training covering the City's ethics related policies and incorporating key aspects of the Fair Political Practices Commission ethics training<br><br>3) Providing a variety of ways to access ethics information and resources for employees, including those with no regular computer access at work, such as:<br>• Posters and wallet cards<br>• Centralized, intranet based ethics resource center<br>• Periodic inclusion of ethics statement in Berkeley Matters<br><br>4) Emphasizing the City's commitment to workplace ethics during formal meetings, informal staff discussions, and regular communications with outside parties<br><br>5) Making the code of ethics available to the public, such as including the ethics code and related material in a centralized location on the City's public internet | Data Pending     | Partly Implemented | City Manager's Office/Human Resources | N           | Y            | N            | N                     | N                                | Y                       | Data Pending                       |
| 278 | Open Audit Recommendation | Berkeley's Ethical Climate Rated Strong Overall and Management Working to Make it Better- Recommendation 1.3 | Provide supervisors and midlevel management with written guidance and training on how to:<br><br>• Initiate and encourage discussions of ethical issues to help dispel misconceptions and alert management to actual problems<br><br>• Report concerns or complaints to management or an external resource, and conduct investigations of ethics related complaints according to the City's procedures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Data Pending     | Partly Implemented | City Manager's Office/Human Resources | N           | Y            | N            | N                     | N                                | Data Pending            | Data Pending                       |
| 279 | Open Audit Recommendation | Berkeley's Ethical Climate Rated Strong Overall and Management Working to Make it Better- Recommendation 1.5 | Provide employees and the City Council with summary reports about investigation and resolution of employee ethics complaints, such as the reports already provided about EEO complaints, taking care to protect confidential and identifying information.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 0.00             | Not Started        | City Manager's Office/Human Resources | N           | N            | N            | N                     | N                                | Data Pending            | Data Pending                       |
| 280 | Open Audit Recommendation | Berkeley's Ethical Climate Rated Strong Overall and Management Working to Make it Better- Recommendation 1.6 | Monitor and regularly evaluate the effectiveness of the ethics program and make improvements based on results.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Data Pending     | Partly Implemented | City Manager's Office/Human Resources | N           | Y            | N            | N                     | N                                | Y                       | Data Pending                       |
| 281 | Open Audit Recommendation | Credit Card Use: Clearer Guidance Needed- Recommendation 3                                                   | Align City policies and procedures reflecting purchasing requirements and restrictions: purchasing; travel and attendance; petty cash; credit card use; food purchases; and any others that, if not updated, would create disconnect regarding the City's expectations and create confusion for City staff expected to adhere to City policy.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Data Pending     | Started            | Finance                               | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                      | Name                                                                                                            | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Percent Complete | State            | Lead City Department      | Commission? | Underway? | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|---------------------------|-----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|---------------------------|-------------|-----------|--------------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 282 | Open Audit Recommendation | Fire Prevention Inspections: Insufficient Resources Strain Code Compliance- Recommendation 1.1                  | Analyze the short- and long-term impact of putting forth a change to the Berkeley Municipal Code to reduce the types or frequency of fire prevention inspections.                                                                                                                                                                                                                                                                                                                                                        | 60.00            | Work in Progress | Fire & Emergency Services | N           | Y         | Data Pending | N                     | Data Pending                     | Data Pending            | Data Pending                       |
| 283 | Open Audit Recommendation | Fire Prevention Inspections: Insufficient Resources Strain Code Compliance- Recommendation 1.2                  | Perform a workload analysis to quantify the staff needed now and in the future to comply with the local fire prevention inspection requirements.                                                                                                                                                                                                                                                                                                                                                                         | 60.00            | Work in Progress | Fire & Emergency Services | N           | N         | Data Pending | N                     | Data Pending                     | Data Pending            | Data Pending                       |
| 284 | Open Audit Recommendation | Fire Prevention Inspections: Insufficient Resources Strain Code Compliance- Recommendation 2.1                  | Develop a process, in consultation with the Information Technology Department, for sharing information on property changes and additions between Fire and other City database platforms.                                                                                                                                                                                                                                                                                                                                 | Data Pending     | Started          | Fire & Emergency Services | N           | Y         | Data Pending | N                     | Data Pending                     | Data Pending            | Data Pending                       |
| 285 | Open Audit Recommendation | Fire Prevention Inspections: Insufficient Resources Strain Code Compliance- Recommendation 2.2                  | Work with both the database's software vendor and the Information Technology Department to strengthen controls over the database, including:<br><br>· Assessing the needs for required fields for processing an inspection, such as unit, shift, inspector name, address, violation details, and violation location.<br><br>· Formatting drop-down menus for inspection status, inspection type, and violation status. Formatting the options available for the violation code numbers and violation description fields. | 0.00             | Not Started      | Fire & Emergency Services | N           | N         | Data Pending | N                     | Data Pending                     | Data Pending            | Data Pending                       |
| 286 | Open Audit Recommendation | Fire Prevention Inspections: Insufficient Resources Strain Code Compliance- Recommendation 3.1                  | Coordinate work plans with Suppression for all mandated fire prevention inspections. These should take into consideration the volume and nature of the other work Suppression performs.                                                                                                                                                                                                                                                                                                                                  | 0.00             | Not Started      | Fire & Emergency Services | N           | N         | Data Pending | N                     | Data Pending                     | Data Pending            | Data Pending                       |
| 287 | Open Audit Recommendation | Fire Prevention Inspections: Insufficient Resources Strain Code Compliance- Recommendation 3.2                  | Create a risk-assessment plan to identify those properties that are most at risk of a fire.                                                                                                                                                                                                                                                                                                                                                                                                                              | 60.00            | Started          | Fire & Emergency Services | N           | Y         | Data Pending | N                     | Data Pending                     | Data Pending            | Data Pending                       |
| 288 | Open Audit Recommendation | Fire Prevention Inspections: Insufficient Resources Strain Code Compliance- Recommendation 3.5                  | Revise the fire prevention inspection training to provide hands-on training, using experienced Suppression staff, on how to conduct inspections and interact with residents and community members during inspections.                                                                                                                                                                                                                                                                                                    | 25.00            | On Hold          | Fire & Emergency Services | N           | Y         | Data Pending | N                     | Data Pending                     | Data Pending            | Data Pending                       |
| 289 | Open Audit Recommendation | Fire Prevention Inspections: Insufficient Resources Strain Code Compliance- Recommendation 3.6                  | Develop and distribute educational information to property owners prior to the beginning of the inspection cycle to provide information on the fire prevention inspection program, common violations, and any upcoming inspections for that area of the City.                                                                                                                                                                                                                                                            | 0.00             | Not Started      | Fire & Emergency Services | N           | N         | Data Pending | N                     | Data Pending                     | Data Pending            | Data Pending                       |
| 290 | Open Audit Recommendation | Fire Prevention Inspections: Insufficient Resources Strain Code Compliance- Recommendation 3.7                  | Create a process for issuing, tracking, and following up on administrative citations for properties with repeat or high-risk violations, including revenue collections and tracking. That process should collaborate with other City work units that perform enforcement activities to provide consistency.                                                                                                                                                                                                              | 0.00             | Not Started      | Fire & Emergency Services | N           | N         | Data Pending | N                     | Data Pending                     | Data Pending            | Data Pending                       |
| 291 | Open Audit Recommendation | Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees- Recommendation 1.1 | Define and include sexual assault, stalking, and witnesses' rights.                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 0.00             | Not Started      | Human Resources           | N           | Y         | Y            | N                     | N                                | Y                       | Y                                  |
| 292 | Open Audit Recommendation | Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees- Recommendation 1.3 | Revise the policy title to reflect the comprehensive scope of the policy.                                                                                                                                                                                                                                                                                                                                                                                                                                                | 0.00             | Not Started      | Human Resources           | N           | Y         | Y            | N                     | N                                | Y                       | Y                                  |



**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                      | Name                                                                                                                                                       | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Percent Complete | State              | Lead City Department   | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------|------------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 293 | Open Audit Recommendation | Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees- Recommendation 1.4                                            | Clarify that requirements for employees to document their use of leave or request for accommodations are at the discretion of Human Resources and may include self-certification when appropriate. We also recommend that Human Resources clarify that employees are encouraged to come to Human Resources for assistance even if they do not initially have the documentation that may be requested.                                                                                                                                                                                                                                                                                                                                                                     | 0.00             | Not Started        | Human Resources        | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 294 | Open Audit Recommendation | Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees- Recommendation 13.1                                           | Implement best practices, including:<br>- Training supervisors and Human Resources staff about their role in responding to employees experiencing domestic violence and providing information for employees about the domestic violence response policy;<br>- Conducting periodic outreach to employees to inform them about the policy, encourage them to come forward, and provide general information about domestic violence;<br>- Facilitating collaboration among city staff who have a role in implementing the policy, and convening a domestic violence response team to advise on policies, ongoing outreach and education, and Human Resources' implementation of recommendations from this audit; and<br>- Adopting a trauma-informed and inclusive approach. | 0.00             | Not Started        | Human Resources        | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 295 | Open Audit Recommendation | Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees- Recommendation 2                                              | State that when assessing safety accommodations, Human Resources takes into consideration danger to the employee and undue burden to the employer.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 0.00             | Not Started        | Human Resources        | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 296 | Open Audit Recommendation | Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees- Recommendation 2.1                                            | Incorporate the model policy and all best practice elements described in this finding, and communicate this guidance to city staff.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 0.00             | Not Started        | Human Resources        | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 297 | Open Audit Recommendation | City at Crossroads as Long-Standing Need for Structured Approach to Line of Business Experts Function Intersects with ERP Implementation- Recommendation 5 | Work with Human Resources to revise the job classification used for the portfolio coordinator position. Minimum qualification factors might include, but are not limited to:<br>- IT Governance/Portfolio Management experience;<br>- Project Management Professional certification;<br>- Project coordination experience; and<br>- Excellent verbal and written communication skills.                                                                                                                                                                                                                                                                                                                                                                                    | Data Pending     | On Hold            | Information Technology | N           | Y         | N/A     | N                     | N                                | N                       | N                                  |
| 298 | Open Audit Recommendation | Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal- Recommendation 8       | Create a method for community members to track the status of their cases online, which will reduce the call volume to the 311 Call Center.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 0.00             | Not Started        | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 299 | Open Audit Recommendation | 911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale - Recommendation 2                                                               | Use the staffing analysis performed in response to recommendation 1.1, to determine future resource needs of the Communications Center, including staffing, equipment, and physical space. Take into account planned changes to services and factors that may influence call volume.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Data Pending     | Partly Implemented | Police                 | N           | Y         | N       | Y                     | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                      | Name                                                                                                                                                    | Description                                                                                                                                                                                                                                                                                                                                                                           | Percent Complete | State              | Lead City Department | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------|----------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 300 | Open Audit Recommendation | 911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale - Recommendation 6                                                            | Implement an automated scheduling software that has built in decision-making capabilities to automatically fill shifts based on specified qualifications and staff availability.                                                                                                                                                                                                      | 25.00            | Partly Implemented | Police               | N           | Y         | N       | N                     | N                                | Y                       | N                                  |
| 301 | Open Audit Recommendation | 911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale - Recommendation 7                                                            | Decrease the concentration of overtime among dispatchers.                                                                                                                                                                                                                                                                                                                             | 75.00            | Partly Implemented | Police               | N           | Y         | N       | N                     | N                                | Y                       | Y                                  |
| 302 | Open Audit Recommendation | Leases Audit: Conflicting Directives Hinder Contract Oversight - Recommendation 1.3                                                                     | Develop and finalize a property management plan that documents the specific responsibilities of Public Works and of other departments for lease management.                                                                                                                                                                                                                           | 0.00             | Not Started        | Public Works         | N           | N         | N       | N                     | N                                | Y                       | N                                  |
| 303 | Open Audit Recommendation | Leases Audit: Conflicting Directives Hinder Contract Oversight - Recommendation 1.4                                                                     | The property management plan should be coordinated with affected City departments, including the Contract Administrator in Finance/Purchasing, before finalizing.                                                                                                                                                                                                                     | 0.00             | Not Started        | Public Works         | N           | N         | N       | N                     | N                                | Y                       | N                                  |
| 304 | Open Audit Recommendation | Leases Audit: Conflicting Directives Hinder Contract Oversight - Recommendation 2.1                                                                     | Administrative Regulation 6.6 and Contracts Online should be updated to give clear direction to City staff regarding administration and execution of lease agreements.                                                                                                                                                                                                                | 0.00             | Not Started        | Public Works         | N           | N         | N       | N                     | N                                | Y                       | N                                  |
| 305 | Open Audit Recommendation | Leases Audit: Conflicting Directives Hinder Contract Oversight - Recommendation 3.3                                                                     | Public Works should update the City's real property administration policies and procedures to align with management's expectations.                                                                                                                                                                                                                                                   | 0.00             | Not Started        | Public Works         | N           | N         | N       | N                     | N                                | Y                       | N                                  |
| 306 | Open Audit Recommendation | Rocky Road: Berkeley Streets at Risk and Significantly Underfunded - Recommendation 1                                                                   | Update the Street Rehabilitation and Repair Policy annually and define who is responsible for ensuring the Policy is updated, as stated in the Policy.                                                                                                                                                                                                                                | 50.00            | Work in Progress   | Public Works         | N           | Y         | N       | N                     | N                                | Y                       | Y                                  |
| 307 | Open Audit Recommendation | Rocky Road: Berkeley Streets at Risk and Significantly Underfunded - Recommendation 1.1                                                                 | Annually, conduct a budget analysis, based on the deferred maintenance needs at that point in time, to determine what level of funding is necessary to achieve the desired goals of the Street Rehabilitation Program. Report findings to City Council. This information will be helpful during updates to the Five-Year Street Rehabilitation Plan and during the budgeting process. | 50.00            | Work in Progress   | Public Works         | Y           | Y         | N       | N                     | N                                | Y                       | Y                                  |
| 308 | Open Audit Recommendation | Rocky Road: Berkeley Streets at Risk and Significantly Underfunded - Recommendation 1.2                                                                 | Identify funding sources to achieve and maintain the goals of the Street Rehabilitation Program.                                                                                                                                                                                                                                                                                      | 0.00             | Work in Progress   | Public Works         | N           | Y         | N       | N                     | N                                | N                       | N                                  |
| 309 | Open Audit Recommendation | Rocky Road: Berkeley Streets at Risk and Significantly Underfunded - Recommendation 2.2                                                                 | When updating the Street Rehabilitation and Repair Policy, incorporate equity to align with Vision 2050 and clearly define how it will be applied to the street maintenance and rehabilitation planning process.                                                                                                                                                                      | 50.00            | Work in Progress   | Public Works         | N           | Y         | N       | N                     | N                                | Y                       | Y                                  |
| 310 | Open Audit Recommendation | Rocky Road: Berkeley Streets at Risk and Significantly Underfunded - Recommendation 2.3                                                                 | Define goals and performance measures to guide the Street Rehabilitation and Repair Policy and Street Rehabilitation Program that align with other plans and policies relevant to street paving (e.g., Complete Streets Policy, Vision 2050, etc.). Regularly report to Council on performance measures.                                                                              | 25.00            | Work in Progress   | Public Works         | N           | Y         | N       | N                     | N                                | Y                       | Y                                  |
| 311 | Open Audit Recommendation | Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 1.1 | Request the City Council to redefine and then reaffirm its commitment to zero waste (i.e., the percentage that the Council considers to be success), and to ensure sufficient resources to fund appropriate staffing and the necessary infrastructure to achieve stated goals by 2020.                                                                                                | Data Pending     | Partly Implemented | Public Works         | N           | Y         | N       | N                     | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                      | Name                                                                                                                                                    | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Percent Complete | State              | Lead City Department | Commission? | Underway? | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------|----------------------|-------------|-----------|--------------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 312 | Open Audit Recommendation | Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 1.2 | Draft and obtain Council approval of a written strategic plan to achieve zero waste by 2020, including annual or biennial interim waste diversion goals. Topics that the strategic plan should discuss include:<br><ul style="list-style-type: none"> <li>• Objectives and long-term and interim goals</li> <li>• Actions to be taken</li> <li>• Responsible parties</li> <li>• Expected cost and impact of implementation</li> <li>• Performance measures</li> <li>• External factors affecting performance and progress</li> </ul> | Data Pending     | Partly Implemented | Public Works         | N           | Y         | N            | N                     | N                                | N                       | N                                  |
| 313 | Open Audit Recommendation | Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 1.3 | Prepare detailed annual work plans that contain:<br><ul style="list-style-type: none"> <li>• Objectives</li> <li>• Annual/biennial (short-term) goals</li> <li>• Actions to be taken</li> <li>• Budget allocated for the actions</li> <li>• Timeline for completion</li> <li>• Lead staff responsible for task completion</li> <li>• Full-time equivalent employees assigned to the tasks</li> <li>• Performance measures</li> </ul>                                                                                                 | Data Pending     | Partly Implemented | Public Works         | N           | Y         | N            | N                     | N                                | N                       | N                                  |
| 314 | Open Audit Recommendation | Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 1.4 | Regularly communicate zero-waste goals and achievements to City staff and the Council, and offer training to staff on how they can help Berkeley achieve zero waste. This includes sharing strategic and annual work plan goals and regular updates regarding progress and completion.                                                                                                                                                                                                                                               | Data Pending     | Partly Implemented | Public Works         | N           | Y         | Data Pending | Data Pending          | N                                | Y                       | Data Pending                       |
| 315 | Open Audit Recommendation | Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 1.5 | Determine if additional funds are needed for the education, outreach, compliance, and enforcement necessary to reach zero-waste goals. If sufficient funds are not available, propose to Council a separate fee to cover those costs for the City's zero-waste program, such as a regulatory fee as allowed under Proposition 218.                                                                                                                                                                                                   | Data Pending     | Partly Implemented | Public Works         | N           | Y         | N            | N                     | N                                | N                       | N                                  |
| 316 | Open Audit Recommendation | Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 2.1 | Work with the Department of Information Technology to configure the CRM system with a required field that auto populates valid route information based on address and service delivery type so that route-specific data can be collected on a going-forward basis.                                                                                                                                                                                                                                                                   | 0.00             | Not Started        | Public Works         | N           | Y         | N            | N                     | N                                | N                       | N                                  |
| 317 | Open Audit Recommendation | Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 2.2 | Work with the Department of Information Technology to create a link between RouteSmart and the CRM system (or the software implementation of Recommendation 2.5 below).                                                                                                                                                                                                                                                                                                                                                              | 0.00             | Not Started        | Public Works         | N           | Y         | N            | N                     | N                                | N                       | N                                  |
| 318 | Open Audit Recommendation | Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 2.4 | Designate a business-line expert within the Zero Waste Division and require that expert to develop internal capacity to configure optimal collection routes and produce standardized reports for route-specific reporting using existing software (or the software implementation of Recommendation 2.5 below). The reports developed should allow measurement of the performance metrics developed in Recommendation 1.2 and 1.3 above.                                                                                             | Data Pending     | Partly Implemented | Public Works         | N           | Y         | N            | N                     | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                      | Name                                                                                                                                                    | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Percent Complete | State              | Lead City Department | Commission? | Underway? | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 319 | Open Audit Recommendation | Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 2.5 | Assess the benefits of using mobile technologies that would allow drivers to enter information directly into the CRM system while on their routes, take pictures of why pickups were skipped, and implement electronic route books and other mobile field reporting. Include in the assessment changes to job responsibilities that might require a meet and confer with union representatives. Purchase the software and hardware if cost beneficial.                                                                                                                                                                                                                                                | Data Pending     | Partly Implemented | Public Works         | N           | Y         | N            | N                     | N                                | N                       | N                                  |
| 320 | Open Audit Recommendation | Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 2.7 | Use the reports developed from implementing recommendation 2.4 to monitor customer complaints and determine what impact the annual bid process has on customer service. If the information demonstrates the annual bid process significantly affects customer service, meet and confer with union representatives to discuss the elimination the annual route bidding process to help reduce customer complaints and improve service delivery. Implement change if agreement is reached.                                                                                                                                                                                                              | 0.00             | Not Started        | Public Works         | N           | Y         | N            | N                     | N                                | N                       | N                                  |
| 321 | Open Audit Recommendation | Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity - Recommendation 1.3                     | Require the zero waste team formed in response to recommendation 1.2 to develop written procedures that clearly support cross-departmental strategies and help staff perform their work, as well as understand how their work contributes to success. Include information that helps promote the unified view of zero waste operations, while also explaining the individual tasks that take place within the departments and how those connect. Examples include, but are not limited to, describing the process for routing customer cases from 311 calls, and detailing in layman's terms the monthly updates that take place to align the CX and RouteSmart systems. Also see recommendation 1.2. | Data Pending     | Partly Implemented | Public Works         | N           | Y         | N            | N                     | N                                | N                       | N                                  |
| 322 | Open Audit Recommendation | Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity - Recommendation 1.5                     | In collaboration with Information Technology and as part of Enterprise Resource Planning, budget for, select, and install an account management system designed for zero waste activities. Use information from the zero waste team evaluation (recommendation 1.2) and zero waste strategy analysis (recommendation 1.8) to identify the critical business needs that should be included in the purchase of new zero waste account management system, or that should be considered when determining whether sufficient middleware options exist to fully integrate existing systems with the new account management software. Also see recommendations 1.2 and 1.8.                                  | Data Pending     | Partly Implemented | Public Works         | N           | Y         | N            | N                     | N                                | N                       | N                                  |
| 323 | Open Audit Recommendation | Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity - Recommendation 1.8                     | Request that Information Technology use the CX module data extracts, such as the one used for this audit, to provide Public Works staff with the data they need to analyze zero waste strategies. Use the data extracts to further identify the critical business needs for new zero waste account management software. Also see recommendation 1.5.                                                                                                                                                                                                                                                                                                                                                  | Data Pending     | Partly Implemented | Public Works         | N           | Y         | Data Pending | Data Pending          | N                                | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                      | Name                                                                                                                                | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Percent Complete | State                     | Lead City Department  | Commission? | Underway? | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 324 | Open Audit Recommendation | Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity - Recommendation 1.9 | Perform, or contract for, a fully comprehensive route audit to align service delivery with billing rates. Use the route audit to:<br><ul style="list-style-type: none"> <li>▪ Make CX module and/or RouteSmart system updates to ensure customers are billed correctly for their City provided services.</li> <li>▪ Ensure that all residential accounts are receiving required services.</li> <li>▪ Ensure that the commercial accounts that the City is responsible for receive and pay for the zero waste services required by City policy.</li> <li>▪ Verify that roll-off bin customers serviced by the Zero Waste Division are accurately billed.</li> </ul> | Data Pending     | Partly Implemented        | Public Works          | N           | Y         | Data Pending | Data Pending          | N                                | Data Pending            | Data Pending                       |
| 325 | Strategic Plan - Project  | City Council Redistricting Process and Citizens' Redistricting Commission                                                           | After each decennial census the City is required to adjust the city council district boundaries so that each district has equal population. In 2016 voters adopted a charter amendment to conduct the redistricting process by using a Citizens' Redistricting Commission.                                                                                                                                                                                                                                                                                                                                                                                         | 10.00            | Work in Progress          | City Clerk            | N           | Y         | Y            | N                     | Y                                | Y                       | Y                                  |
| 326 | Strategic Plan - Project  | 2020 Vision Milestone                                                                                                               | PLACEHOLDER: Recognize the significance of the Year 2020 in Berkeley's 2020 Vision. Source: 2018 CC Berkeley's 2020 Vision Update report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 0.00             | On Hold                   | City Manager's Office | N           | N         | N            | N                     | N                                | Data Pending            | N                                  |
| 327 | Strategic Plan - Project  | African American Holistic Resource Center                                                                                           | In partnership with many in the community, plan for the development of a holistic African American Resource Center in South Berkeley, which will serve as a place of support and strength for the Berkeley community.                                                                                                                                                                                                                                                                                                                                                                                                                                              | 30.00            | Work in Progress          | City Manager's Office | N           | Y         | Y            | Data Pending          | N                                | Data Pending            | Data Pending                       |
| 328 | Strategic Plan - Project  | Annual Survey                                                                                                                       | Implementing an Annual Survey to better understand the needs of the community.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0.00             | On Hold                   | City Manager's Office | N           | N         | N            | N                     | N                                | Data Pending            | N                                  |
| 329 | Strategic Plan - Project  | Bayer HealthCare, Inc Development Agreement                                                                                         | Engage with Bayer HealthCare, Inc re: the extension of their existing development agreement.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 25.00            | Proposed Budget Reduction | City Manager's Office | N           | Y         | Y            | N                     | N                                | Y                       | Y                                  |
| 330 | Strategic Plan - Project  | Communications Staffing                                                                                                             | Introducing new positions of communications specialists to improve the City's communications.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 20.00            | Work in Progress          | City Manager's Office | N           | Y         | Y            | N                     | N                                | Y                       | Data Pending                       |
| 331 | Strategic Plan - Project  | Data Analysis                                                                                                                       | PLACEHOLDER: Explore and identify possible additional data sources to supplement the City's existing measure of outcomes for Berkeley's 2020 Vision. Source: 2018 CC Berkeley's 2020 Vision Update report                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 70.00            | Work in Progress          | City Manager's Office | N           | N         | Data Pending | N                     | N                                | Data Pending            | N                                  |
| 332 | Strategic Plan - Project  | Equity Toolkit                                                                                                                      | Operationalizing equity lens in service delivery and project planning (e.g., toolkit deliverable from Racial Equity Action Plan including things like adding an equity item to agenda reports, requiring an equity checklist as part of project work plans, etc).                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | On Hold                   | City Manager's Office | N           | N         | N            | N                     | N                                | Data Pending            | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                      | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Percent Complete | State                     | Lead City Department  | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|--------------------------|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------|-----------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 333 | Strategic Plan - Project | Establishing an Outdoor Emergency Shelter | <p>1. Refer to the City Manager to establish an outdoor emergency shelter in Berkeley. Such a shelter should consider the following amenities to be provided but not required: A. Climate-controlled, wind-resistant durable tents with wooden pallets for support. B. Seeking an agency to manage and oversee the emergency shelter. C. Portable toilet service and handwashing service. D. Shower and sanitation services E. Garbage pickup and safe needle disposal.</p> <p>2. Refer to the November budget process \$615,000 to be considered alongside other Measure P recommendations.</p> <p>3. Temporarily waive BMC Article 9 Section 19.28.100 Section N106, to allow for the installation of tents and membrane structures that may be erected for longer than 180 days even if they do not meet all physical requirements.</p> <p>4. Refer to the City Manager protocol for selecting residents that mirror other shelter selection criteria and are less restrictive than HUD protocols.</p> <p>Action: 28 speakers. M/S/C (Harrison/Davila) to adopt the item as written in Supplemental Communications Packet #1 and #2, amended as follows:</p> <ul style="list-style-type: none"> <li>• Remove "November" from "November budget process"</li> <li>• Refer to the City Manager to analyze what elements, if any, of the municipal code need to be amended to implement program; any suggested locations to be presented to Council prior to implementation; provide an updated budget to include estimated installation costs.</li> </ul> | 25.00            | Work in Progress          | City Manager's Office | N           | Y         | Y       | Data Pending          | N                                | Data Pending            | N                                  |
| 334 | Strategic Plan - Project | Fleet-Related Initiatives                 | <p>A series of initiatives to:</p> <ul style="list-style-type: none"> <li>• increase alternative fuel vehicles,</li> <li>• standardize fleet,</li> <li>• reduce backlog,</li> <li>• implement fleet/system upgrades, and</li> <li>• conduct a City Vehicle Fleet Assessment.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 8.32             | Proposed Budget Reduction | City Manager's Office | N           | N         | Partial | N                     | N                                | Data Pending            | Data Pending                       |
| 335 | Strategic Plan - Project | Legislative Platform                      | Creating a formal structure and process to communicate policy and policy support to and from local, regional, and State legislative bodies.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 50.00            | On Hold                   | City Manager's Office | N           | N         | Y       | N                     | N                                | Data Pending            | N                                  |
| 336 | Strategic Plan - Project | New City of Berkeley Website              | <p>Create a new design, look and information architecture for the City website so that it is interactive and serves and prioritizes the needs of the community, including a focus on increasing the number and types of transactions and services available online.</p> <p>Redesign the City website to improve the information and services available to community members online, to create web server redundancy in case of emergencies</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 70.00            | Work in Progress          | City Manager's Office | N           | Y         | Y       | N                     | N                                | Y                       | N                                  |
| 337 | Strategic Plan - Project | Performance Management                    | Implementing results-based accountability citywide and provide a dashboard to better communicate results                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Proposed Budget Reduction | City Manager's Office | N           | Y         | N       | N                     | N                                | Data Pending            | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                      | Description                                                                                                                                                                                                                                                             | Percent Complete | State                     | Lead City Department                 | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 338 | Strategic Plan - Project | Racial Equity Action Plan                 | With assistance from the Government Alliance on Race and Equity and researchers from UC Berkeley, develop a Racial Equity Action Plan designed to integrate equity considerations throughout City operations and services and to influence change within the community. | 83.40            | Work in Progress          | City Manager's Office                | N           | Y         | N       | N                     | N                                | Y                       | N                                  |
| 339 | Strategic Plan - Project | UC Long-Range Development Plan            | Participate in UC's Long Range Development Plan process                                                                                                                                                                                                                 | 25.00            | Work in Progress          | City Manager's Office                | N           | Y         | Y       | N                     | N                                | Data Pending            | Y                                  |
| 340 | Strategic Plan - Project | Web Content Training                      | Create and develop a governance structure and a training program so that all departments have the appropriate tools and skills to build effective web content.                                                                                                          | 50.00            | Work in Progress          | City Manager's Office                | N           | Y         | Y       | N                     | N                                | Y                       | N                                  |
| 341 | Strategic Plan - Project | Equal Pay Vendor Preference               | Draft an ordinance related to an equal pay vendor preference for City contractors who demonstrate equal pay for male and female employees (gender based on self-identification).                                                                                        | 0.00             | Pending Not On Schedule   | Finance                              | N           | N         | Y       | N                     | N                                | Y                       | N                                  |
| 342 | Strategic Plan - Project | Fire Department Communications            | Increase and improve communication to the community by updating the Fire Department web page and creating social media policy and procedures                                                                                                                            | 0.00             | On Hold                   | Fire & Emergency Services            | N           | N         | N       | N                     | N                                | Y                       | N                                  |
| 343 | Strategic Plan - Project | Fire Department Reserve Truck             | Enhance the City's firefighting capacity by replacing a 20-year old ladder truck that has exceeded its user life.                                                                                                                                                       | 85.29            | Work in Progress          | Fire & Emergency Services            | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 344 | Strategic Plan - Project | Fire Prevention                           | Increase fire/life safety capacity and resources to effectively maintain community safety.                                                                                                                                                                              | 51.36            | Work in Progress          | Fire & Emergency Services            | N           | Y         | Y       | N                     | Y                                | Y                       | N                                  |
| 345 | Strategic Plan - Project | Outdoor Emergency Public Alerting Systems | (part of Rescue and Disaster Response Capabilities Program) Exploring options for system and then procuring and implementing system.                                                                                                                                    | 0.00             | On Hold                   | Fire & Emergency Services            | Y           | N         | Y       | N                     | N                                | Y                       | N                                  |
| 346 | Strategic Plan - Project | Safe Passages                             | (part of Wildfire Safety Program) Develop standards, update code, develop enforcement; identify narrow streets that need parking restrictions to keep areas clear.                                                                                                      | 0.00             | Proposed Budget Reduction | Fire & Emergency Services            | Y           | Y         | Y       | N                     | Y                                | Y                       | Y                                  |
| 347 | Strategic Plan - Project | Wildfire Vegetation Management            | (part of Wildfire Safety Program) Hand Crews                                                                                                                                                                                                                            | 59.68            | Proposed Budget Reduction | Fire & Emergency Services            | Y           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 348 | Strategic Plan - Project | Adult Mental Health Clinic Renovation     | The Adult Mental Health Clinic at 2640 MLK is currently uninhabitable and in need of significant repairs to be open to help people in Berkeley with severe and persistent mental illness.                                                                               | 99.98            | Work in Progress          | Health, Housing & Community Services | N           | Y         | Y       | Y                     | N                                | Y                       | Y                                  |
| 349 | Strategic Plan - Project | Age Friendly Plan Implementation          | Establish infrastructure for implementation of Aging-Friendly Plan                                                                                                                                                                                                      | 93.04            | Work in Progress          | Health, Housing & Community Services | Y           | Y         | N       | N                     | N                                | Y                       | Y                                  |
| 350 | Strategic Plan - Project | Cannabis Dispensary/ Production           | Develop, propose and implement responsive education and enforcement strategies                                                                                                                                                                                          | 54.44            | Work in Progress          | Health, Housing & Community Services | N           | Y         | Y       | N                     | Y                                | Y                       | Y                                  |
| 351 | Strategic Plan - Project | Community Agency Funding Information      | Develop and publish comprehensive report on outcomes of community agencies funded by City of Berkeley.                                                                                                                                                                  | 1.35             | Work in Progress          | Health, Housing & Community Services | N           | N         | Y       | N                     | N                                | Y                       | N                                  |
| 352 | Strategic Plan - Project | Home-cook Food Industry                   | Develop, propose and implement responsive education and enforcement strategies.                                                                                                                                                                                         | 76.88            | Work in Progress          | Health, Housing & Community Services | N           | Y         | N       | N                     | N                                | Y                       |                                    |
| 353 | Strategic Plan - Project | Homeless Services Expansion               | Implement plan to expand homeless services with Measure P funding as defined by Council.                                                                                                                                                                                | 73.70            | Work in Progress          | Health, Housing & Community Services | N           | Y         | Y       | N                     | N                                | Y                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                                                                       | Description                                                                                                                                                                                                                                                                  | Percent Complete | State                     | Lead City Department                 | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|--------------------------|--------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------|--------------------------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 354 | Strategic Plan - Project | Increase Affordable Housing: Measure O Implementation                                      | Implement plan to expand affordable housing options with Measure O funding as defined by Council.                                                                                                                                                                            | 30.50            | Work in Progress          | Health, Housing & Community Services | N           | Y         | Y       |                       |                                  |                         | Y                                  |
| 355 | Strategic Plan - Project | Landlord Participation in Affordable Housing Programs                                      | Increase the supply of landlords who provide units for Shelter Plus Care and Section 8 programs. Provide other incentives to landlords to participate in these programs.                                                                                                     | 49.23            | Work in Progress          | Health, Housing & Community Services | N           | Y         | Y       | N                     |                                  |                         |                                    |
| 356 | Strategic Plan - Project | Paid Family Leave Ordinance                                                                | Explore an ordinance that guarantees paid leave for new parents.                                                                                                                                                                                                             | 0.00             | On Hold                   | Health, Housing & Community Services | N           | Y         | N       | N                     | N                                | Y                       | N                                  |
| 357 | Strategic Plan - Project | Public Health Strategic Plan Implementation                                                | Implement a tracking and reporting system for Division program performance measures                                                                                                                                                                                          | 25.72            | Work in Progress          | Health, Housing & Community Services | N           | Y         | N       | N                     | N                                | Y                       | N                                  |
| 358 | Strategic Plan - Project | Results-Based Accountability Framework for Health, Housing & Community Services Programs   | Implement a results-based accountability performance management framework to better account for and improve the work that the Department of Health, Housing & Community Services undertakes, and to maximize impact. Develop and publish outcomes data on selected programs. | 19.61            | Work in Progress          | Health, Housing & Community Services | N           | Y         | Y       | N                     | N                                | N                       | Y                                  |
| 359 | Strategic Plan - Project | Shelter Plus Care Expansion                                                                | Expand Shelter Plus Care through addition of 53 new housing vouchers                                                                                                                                                                                                         | 43.33            | Work in Progress          | Health, Housing & Community Services | N           | Y         | Y       | Y                     |                                  |                         |                                    |
| 360 | Strategic Plan - Project | Sugar Sweetened Beverage Policy Development                                                | Develop a City of Berkeley healthy beverage policy                                                                                                                                                                                                                           | 42.62            | Work in Progress          | Health, Housing & Community Services | N           | Y         | N       | N                     | Y                                | N                       |                                    |
| 361 | Strategic Plan - Project | Develop Labor Relations Strategy Plan                                                      | In preparation for contract negotiations in 2020. Prepare a plan                                                                                                                                                                                                             | 80.00            | Work in Progress          | Human Resources                      | N           | Y         | Y       | N                     | Y                                | Y                       | N                                  |
| 362 | Strategic Plan - Project | Revision of Personnel Rules and Regulations and the Employer-Employee Relations Resolution | Update and revise both sets of Rules and Regulations to comply with current federal and state laws; reflect best practices; and ensure the established rules are comprehensive and consistent.                                                                               | 40.00            | Work in Progress          | Human Resources                      | N           | Y         | N       | N                     | Y                                | Y                       | N                                  |
| 363 | Strategic Plan - Project | Succession Planning                                                                        | In advance of a large amount of expected retirements in fiscal year 2018, develop and provide guidance to all City departments to improve succession planning and minimize disruption to the City government and the community it serves.                                    | 0.10             | Work in Progress          | Human Resources                      | N           | Y         | Y       | N                     | N                                | N                       | N                                  |
| 364 | Strategic Plan - Project | 360 Street Level Imagery                                                                   |                                                                                                                                                                                                                                                                              | 22.22            | Work in Progress          | Information Technology               | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 365 | Strategic Plan - Project | Accela Implementation - Phase 5                                                            | Modules to Implement:<br>Utility Permits: almost complete<br>Fire Permits Enhancements<br>Public Works Permits Online<br>Code Enforcement - HOLD<br>Right of Way Management - HOLD                                                                                           | 0.00             | Proposed Budget Reduction | Information Technology               | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 366 | Strategic Plan - Project | Active Directory Upgrade                                                                   | Version upgrade for Active Directory.                                                                                                                                                                                                                                        | 0.00             | Not Started               | Information Technology               | N           | N         | Y       | N                     | N                                | Y                       | Y                                  |
| 367 | Strategic Plan - Project | AD Cleanup (Prep for future Projects)                                                      | AD CleanUP (Prep for future Projects)                                                                                                                                                                                                                                        | 6.67             | Work in Progress          | Information Technology               | N           | Y         | Y       | N                     | N                                | Y                       | N                                  |



**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                                                                                                     | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Percent Complete | State            | Lead City Department   | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|--------------------------|--------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|------------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 368 | Strategic Plan - Project | Avaya Phone System (VoIP) Support Transition                                                                             | Avaya Support Transition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 79.78            | Work in Progress | Information Technology | N           | Y         | Y       | N                     | Y                                | Y                       | Y                                  |
| 369 | Strategic Plan - Project | BIA (Business Impact Assessment)                                                                                         | BIA (Business Impact Assessment)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 10.00            | Work in Progress | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 370 | Strategic Plan - Project | Broadband Infrastructure Master Plan                                                                                     | Develop a master plan to improve infrastructure for high-speed internet access in Berkeley. Release the RFP to develop a Broadband Infrastructure Master Plan that provides a roadmap for implementing the broadband infrastructure to increasing internet access and addressing the digital divide                                                                                                                                                                                                                                                                                                                       | 80.00            | Work in Progress | Information Technology | N           | Y         | N       | N                     | N                                | N                       | N                                  |
| 371 | Strategic Plan - Project | California Public Health Info Exchange Electronic Case Reporting (eCR)                                                   | Implement Electronic Case Reporting (eCR) which will automate public health case reporting by automatically generating and transmitting case reports from Electronic Health Records (EHRs) to public health agencies for review and action. The California Reportable Disease Information Exchange - Electronic Case Reporting (CalREDIE eCR) module will allow health care providers and organizations to more easily comply with the California Department of Public Health (CDPH) requirement for the reporting of certain diseases and conditions per the California Code of Regulations (CCR) Title 17 Section 2500. | 0.00             | On Hold          | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 372 | Strategic Plan - Project | Capital Project Management Software                                                                                      | Implement a Capital Improvement Project (CIP) tracking tool to better document and manage project implementation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 0.00             | On Hold          | Information Technology | N           | N         | N       | N                     | N                                | N                       | N                                  |
| 373 | Strategic Plan - Project | City Data Services System Replacement                                                                                    | Project to replace hosted Grants and Loan Data Management for Health, Housing & Community Services. Community Agency Allocations & Contract Management, Rehab Programs, Housing Trust Fund, Mental Health Division Contracts, etc.                                                                                                                                                                                                                                                                                                                                                                                        | 0.00             | On Hold          | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 374 | Strategic Plan - Project | Citywide Backup Solution Replacement                                                                                     | Barracuda Backup Upgrade                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 79.36            | Work in Progress | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 375 | Strategic Plan - Project | Citywide Windows 10 Upgrade                                                                                              | Pilot and then fully launch the Windows 10 operating system for City computers, including all necessary staff training and application compatibility testing                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 93.13            | Work in Progress | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 376 | Strategic Plan - Project | Clinical Intake Workflow Improvements: Develop and Integrate Clinic Reproductive and Sexual Health (RSH) Intake Template | Clinical Intake Workflow Improvements: Develop and Integrate Clinic Reproductive and Sexual Health (RSH) Intake Template                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 40.00            | On Hold          | Information Technology | N           | Y         | Y       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 377 | Strategic Plan - Project | Compliance with Data Security Standards                                                                                  | Continue to implement Payment Card Industry (PCI), Department of Justice (DOJ), and Health Insurance Portability and Accountability Act (HIPAA) compliance requirements to maintain data security                                                                                                                                                                                                                                                                                                                                                                                                                         | 10.00            | Work in Progress | Information Technology | N           | Y         | Partial | N                     | Y                                | Y                       | Y, if funded                       |
| 378 | Strategic Plan - Project | Configure Remote Software installations for Off Network Laptops                                                          | Configure SCCM IBCM (Internet Based Configuration Management)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 51.02            | Work in Progress | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 379 | Strategic Plan - Project | Crime forum transition to new vendor (XenForo)                                                                           | Migrate police crime forum data away from vBulletin to Xenforo. They use AWS for hosting. internal crime information sharing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 80.00            | Work in Progress | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                                                      | Description                                                                                                                                                                                                                                                       | Percent Complete | State                     | Lead City Department   | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|--------------------------|---------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------|------------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 380 | Strategic Plan - Project | Customer Relationship Management (CRM) Database                           | Implement a 311 CRM solution and a mobile app to better track and manage community member queries                                                                                                                                                                 | 0.00             | Proposed Budget Reduction | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 381 | Strategic Plan - Project | Customer Relationship Management of Economic Development                  | Implement a customer and communications management platform to assist the Office of Economic Development in their business attraction and retention efforts                                                                                                       | 0.00             | Not Started               | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 382 | Strategic Plan - Project | Cyber Resilience Strategy                                                 | Develop a Cyber Resilience Plan in alignment with the City's Resilience Strategy, including software upgrade needs, policies and cyber security training for staff                                                                                                | 85.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | N                       | Y                                  |
| 383 | Strategic Plan - Project | Data Exchange for TCM Program (Alameda Alliance / Medi-Cal Managed Care)  | Data Exchange for TCM Program (Alameda Alliance / Medi-Cal Managed Care)                                                                                                                                                                                          | 0.00             | On Hold                   | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 384 | Strategic Plan - Project | Data Exchange for TCM Program (Blue Cross / Medi-Cal Managed Care)        | Data Exchange for TCM Program (Blue Cross / Medi-Cal Managed Care)                                                                                                                                                                                                | 0.00             | On Hold                   | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 385 | Strategic Plan - Project | Digital Permitting System                                                 | Conduct a needs assessment, issue an RFP, and procure a new permitting software                                                                                                                                                                                   | 0.00             | Proposed Budget Reduction | Information Technology | N           | N         | N       | N                     | N                                | N                       | N                                  |
| 386 | Strategic Plan - Project | Disaster Recovery/Business Continuity Plan                                | Develop a Information Technology infrastructure Disaster Recovery and Business Continuity Plan                                                                                                                                                                    | 50.00            | Not Started               | Information Technology | N           | Y         | Partial | N                     | N                                | Y, if funded            | Y, if funded                       |
| 387 | Strategic Plan - Project | Emergency Operations Center (EOC) Management Software                     | Implement a software solution to assist with enhanced preparedness, disaster recovery and track emergency management efforts during EOC activations                                                                                                               | 0.00             | On Hold                   | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 388 | Strategic Plan - Project | Emphasys Elite System Replacement                                         | Assess business needs and review feasibility of utilizing ERMA modules. Replace software to manage Shelter Plus Care housing subsidy program for the chronically homeless. (Also used by Berkeley Housing Authority with separate databases.)                     | 0.00             | Not Started               | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 389 | Strategic Plan - Project | Environmental Health Field Operations Improvements                        | Assess and implement tools to enhance capacity and efficiency of Environmental Health field operations.                                                                                                                                                           | 0.00             | On Hold                   | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 390 | Strategic Plan - Project | EnvisionConnect System Replacement                                        | Develop options, costs and timelines for replacing Decade (Accela) software to manage Environmental Health inspections, work processes, and to produce regular local and State required reports. (System also used by Toxics Management, with separate database). | 0.00             | Not Started               | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 391 | Strategic Plan - Project | Extracts/Interfaces for data to Munis from (1) NextGen and (2) Persimmony | Extracts/Interfaces for data to Munis from (1) NextGen and (2) Persimmony                                                                                                                                                                                         | 0.00             | Not Started               | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 392 | Strategic Plan - Project | FUND\$ Replacement - Fleet Management System                              | Replacing the 28-year-old FUND\$ Fleet module for vehicle fleet asset and parts management system                                                                                                                                                                 | 23.06            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 393 | Strategic Plan - Project | FUND\$ Replacement - Work Order Application                               | Replace the Work Order module of FUND\$ with a Commercial Off the Shelf (COTS) software that will enable management of customer requests and work orders, preventive maintenance, resources and inventory, best practices and regulatory compliance.              | 48.51            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 394 | Strategic Plan - Project | FUND\$ Replacement - Zero Waste Solution                                  | Replace the Refuse Billing module of FUND\$ with a Commercial Off the Shelf (COTS) software that will enable billing, routing, and operations software for the public works operations.                                                                           | 25.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                                     | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Percent Complete | State                     | Lead City Department   | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|--------------------------|----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------|------------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 395 | Strategic Plan - Project | FUND\$ Replacement: Core Financial and HR/Payroll        | "To replace City's Enterprise Resource Management Application to improve access to services and information for community members and create more efficient financial and information management processes for City staff, replace the City's core data management system.<br><br>To improve access to services and information for community members and create more efficient financial, human resources, and information management processes for staff, replace the City's core 28-year old financial and data management system" | 84.33            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 396 | Strategic Plan - Project | Fund\$ Software Upgrades                                 | SunGard Software Upgrade Project for Fund\$                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 20.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 397 | Strategic Plan - Project | Green City GIS Inventory                                 | Create a database for PRW for Park Assets. Databases design and field inventory of all infrastructure, buildings, such as bathrooms, benches and newly planted trees in the city parks system                                                                                                                                                                                                                                                                                                                                         | 95.00            | Work in Progress          | Information Technology | N           | N         | Y       | N                     | N                                | Y                       | Y                                  |
| 398 | Strategic Plan - Project | Help Desk Metrics Expansion                              | PURPOSE: This project addresses both processes/procedures and various tools that focus on the delivery of customer service across City departments by the HelpDesk and to measure and adjust team productivity to demand.                                                                                                                                                                                                                                                                                                             | 0.00             | Proposed Budget Reduction | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 399 | Strategic Plan - Project | Help Desk Process Improvements                           | Help Desk Process Improvements Year 1 (2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 0.00             | Proposed Budget Reduction | Information Technology | N           | N         | N       | N                     | N                                | Y                       | N                                  |
| 400 | Strategic Plan - Project | Help Desk Standard Operating Procedures                  | Help Desk Standard Operating Procedures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 25.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 401 | Strategic Plan - Project | HIPAA Security Risk Assessment Audits Calendar Year 2019 | HIPAA Security Risk Assessment Audits Calendar Year 2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 0.00             | Not Started               | Information Technology | N           | Y         | Y       | N                     | Y                                | Y                       | Y                                  |
| 402 | Strategic Plan - Project | HR Onboarding                                            | Purchase a software system for HR to streamline the new hire onboarding process. The onboard software will provide new hire access to forms, documents, videos, and checklist.                                                                                                                                                                                                                                                                                                                                                        | 22.06            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 403 | Strategic Plan - Project | Human Resources Case Management                          | Software to manage and track Human Resources Employee Relations and Equal Employment Opportunity cases.                                                                                                                                                                                                                                                                                                                                                                                                                               | 65.76            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 404 | Strategic Plan - Project | Infrastructure and Security Project Metrics              | Infrastructure and Security Project Metrics                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 0.00             | Proposed Budget Reduction | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 405 | Strategic Plan - Project | IT Classification Study                                  | Conduct an IT Classification Study                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.00             | Proposed Budget Reduction | Information Technology | N           | Y         | Y       | N                     | Y                                | Y                       | Y                                  |
| 406 | Strategic Plan - Project | IT Service Management/Enterprise PM Tool                 | Replace Help Desk software, implement project portfolio management software                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 69.58            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 407 | Strategic Plan - Project | Learning Management System (ERP)                         | To deploy a learning management system for the administration, documentation, tracking, reporting and delivery of training programs                                                                                                                                                                                                                                                                                                                                                                                                   | 10.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                                              | Description                                                                                                                                                                                                                                                                                                                                                                                 | Percent Complete | State                     | Lead City Department   | Commission? | Underway? | Funded?                     | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|--------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------|------------------------|-------------|-----------|-----------------------------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 408 | Strategic Plan - Project | Legal Case Management Tool                                        | Software to track and manage cases for City Attorneys                                                                                                                                                                                                                                                                                                                                       | 0.00             | On Hold                   | Information Technology | N           | N         | N                           | N                     | N                                | Y, if funded            | Y, if funded                       |
| 409 | Strategic Plan - Project | Medication Inventory software                                     | Identify business requirements and software that will also integrate with the NextGen EPM-EHR System.                                                                                                                                                                                                                                                                                       | 10.00            | Work in Progress          | Information Technology | N           | Y         | Y                           | N                     | N                                | Y                       | Y                                  |
| 410 | Strategic Plan - Project | Microfiche Digitizing for Berkley Police                          | Digitize remaining Police microfiche data to improve data management and accessibility                                                                                                                                                                                                                                                                                                      | 70.00            | Work in Progress          | Information Technology | N           | Y         | Y                           | N                     | N                                | Y                       | Y                                  |
| 411 | Strategic Plan - Project | Microsoft Office Upgrade                                          | (Formerly "ProofPoint & MS EA FY20 roll-out")                                                                                                                                                                                                                                                                                                                                               | 0.00             | Not Started               | Information Technology | N           | N         | Y                           | N                     | N                                | Y                       | Y                                  |
| 412 | Strategic Plan - Project | Migrate Veripic Data to Axon Capture (evidence.com)               | Migrate evidence data from Veripic (legacy system) to evidence.com (current system from Axon). This is a two step process: 1) export evidence and metadata from VeriPic, and 2) import evidence and metadata to evidence.com. This will allow officers to have one source of evidence and will remove a legacy system. Veripic is currently read only and has no new evidence as of 9-1-18. | 75.76            | Work in Progress          | Information Technology | N           | Y         | Y                           | N                     | N                                | Y                       | Y                                  |
| 413 | Strategic Plan - Project | Mobile Device Management (MDM) Software Replacement               | Transition from Meraki to Intune                                                                                                                                                                                                                                                                                                                                                            | 25.00            | Work in Progress          | Information Technology | N           | Y         | Y                           | N                     | Y                                | Y                       | Y                                  |
| 414 | Strategic Plan - Project | MS Enterprise O365 Exchange Migration and OneDrive Implementation | Migrate Exchange (Email) to the cloud, and implement OneDrive for cloud-based file storage and file sharing.                                                                                                                                                                                                                                                                                | 87.78            | Work in Progress          | Information Technology | N           | Y         | Y                           | N                     | N                                | Y                       | N                                  |
| 415 | Strategic Plan - Project | MS Rights Management (& AIP)                                      | MS Rights Management (& AIP)                                                                                                                                                                                                                                                                                                                                                                | 25.00            | Work in Progress          | Information Technology | N           | Y         | Y                           | N                     | N                                | Y                       | Y                                  |
| 416 | Strategic Plan - Project | Network Architecture                                              | Network Architecture (roadmap of capabilities, connections, capacities means, & devices)                                                                                                                                                                                                                                                                                                    | 0.00             | Pending On Schedule       | Information Technology | N           | N         | Y                           | N                     | N                                | Y                       | Y                                  |
| 417 | Strategic Plan - Project | Network Device Replacement for FY18                               | Network Device Replacement for FY18                                                                                                                                                                                                                                                                                                                                                         | 87.50            | Work in Progress          | Information Technology | N           | Y         | Y                           | N                     | N                                | Y                       | N                                  |
| 418 | Strategic Plan - Project | Network Device Replacement FY20                                   | Network Device Replacement FY20                                                                                                                                                                                                                                                                                                                                                             | 0.00             | Not Started               | Information Technology | N           | Y         | Y, pending Council approval | N                     | N                                | Y, if funded            | Y, if funded                       |
| 419 | Strategic Plan - Project | New Fire Records Management System                                | Prepare a new fire records management system that will be compliant with the National Fire Information System and improve data collection and response information.                                                                                                                                                                                                                         | 0.00             | On Hold                   | Information Technology | N           | N         | N                           | N                     | N                                | Y, if funded            | Y, if funded                       |
| 420 | Strategic Plan - Project | NextGen eSignatures                                               | NextGen eSignatures                                                                                                                                                                                                                                                                                                                                                                         | 90.00            | On Hold                   | Information Technology | N           | N         | Y                           | N                     | N                                | N                       | N                                  |
| 421 | Strategic Plan - Project | Online Business Registration Permitting                           | Implement software program to help entrepreneurs get their businesses up and running more quickly and easily by providing an online interface to the permitting process at City Hall                                                                                                                                                                                                        | 0.00             | Proposed Budget Reduction | Information Technology | N           | N         | N                           | N                     | N                                | Y, if funded            | Y, if funded                       |
| 422 | Strategic Plan - Project | Performance Evaluations (ERP)                                     | To deploy a performance evaluation software                                                                                                                                                                                                                                                                                                                                                 | 10.00            | Work in Progress          | Information Technology | N           | Y         | Y                           | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                           | Description                                                                                                                                                                        | Percent Complete | State                     | Lead City Department   | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|--------------------------|------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------|------------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 423 | Strategic Plan - Project | Public Records Act (PRA) Request Management    | Implement a solution to track and manage PRA requests and provide visibility and transparency for PRA compliance                                                                   | 92.51            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 424 | Strategic Plan - Project | RLSS Loan/Grants Management System Replacement | Project to replace the Revolving Loan Servicing Software (Loan Profile Data, Loan Transactions, and Reporting for State & Federal Programs) Used for Senior Disabled Loan Program. | 5.00             | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 425 | Strategic Plan - Project | ServiceNow: Asset Management Implementation    | Implement SNOW Asset Management Module & create Software & Hardware inventory dashboard                                                                                            | 80.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 426 | Strategic Plan - Project | SharePoint Intranet                            | Implement SharePoint based TeamSites and Project sites                                                                                                                             | 45.54            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | N                       | Y                                  |
| 427 | Strategic Plan - Project | SIEM/MSSP                                      | SIEM/MSSP                                                                                                                                                                          | 50.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 428 | Strategic Plan - Project | SimsUshare                                     | SimsUshare CTC is a training system for emergency responders to develop and enhance knowledge, skills and abilities in safely and efficiently managing all types of incidents.     | 90.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 429 | Strategic Plan - Project | Smart Rooms                                    | Improve IT systems in the City's conference rooms, including conference call, videoconference, and star phone capabilities.                                                        | 99.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 430 | Strategic Plan - Project | Software for Managing Leased Properties (ERP)  | Implement a software solution to track and manage properties that the City leases to other entities                                                                                | 0.00             | On Hold                   | Information Technology | N           | N         | N       | N                     | N                                | N                       | N                                  |
| 431 | Strategic Plan - Project | SQL Server 2008 Upgrade/Migration CityWide     | SQL Server 2008 Upgrade/Migration CityWide                                                                                                                                         | 80.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 432 | Strategic Plan - Project | Tiburon/CRIMES Data warehousing                | needed enterprise license for phones (close to completion)                                                                                                                         | 70.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 433 | Strategic Plan - Project | Time Management Application for Police         | Time Management Application for Police (Telestaff)                                                                                                                                 | 0.00             | On Hold                   | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 434 | Strategic Plan - Project | Upgrade Youth Lab computers                    | Upgrade Youth Lab computers                                                                                                                                                        | 0.00             | On Hold                   | Information Technology | N           | N         | Y       | N                     | N                                | Y                       | Y                                  |
| 435 | Strategic Plan - Project | Vendor Remote Access Improvements              | Improvements to vendor's remote access capabilities.                                                                                                                               | 80.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 436 | Strategic Plan - Project | Virtual Desktop Pilot Program                  | Virtual Desktop Infrastructure (VDI) pilot program with Citrix and Nutanix                                                                                                         | 10.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 437 | Strategic Plan - Project | Virtualize Firewalls                           | (Formerly "Microsoft Windows Security Patch Deployment", Configure Windows updates for all desktops and Laptops)                                                                   | 0.00             | Not Started               | Information Technology | N           | N         | Y       | N                     | N                                | Y                       | Y                                  |
| 438 | Strategic Plan - Project | VoIP Emergency Announcement Service            | PURPOSE: Enhance Voice-over-IP (VoIP) technical capabilities to introduce an Emergency Announcement Service within City buildings and office spaces.                               | 0.00             | Proposed Budget Reduction | Information Technology | N           | N         | Y       | N                     | N                                | Y                       | Y                                  |

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Referrals, Projects, and Audits**

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| 439 | Strategic Plan - Project | Windows Security Patch Deployment Upgrade                                                          | Re-Configure Windows Updates                                                                                                                                                                                                                          | 53.75            | Work in Progress | Information Technology         | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 440 | Strategic Plan - Project | Windows Server Operating System Upgrades                                                           | Windows Server Operating System Upgrades                                                                                                                                                                                                              | 90.00            | Work in Progress | Information Technology         | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 441 | Strategic Plan - Project | Berkeley Business Marketing & Communications Project (i.e., Berkeley Branding & Marketing Project) |                                                                                                                                                                                                                                                       | 95.00            | Work in Progress | Office of Economic Development | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 442 | Strategic Plan - Project | Berkeley Ventures, Berkeley Values                                                                 | Develop and implement a "Berkeley Tech, Berkeley Values", a campaign to leverage local tech sector skills, wealth, and other resources to support equitable and inclusive growth.                                                                     | 75.00            | Work in Progress | Office of Economic Development | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 443 | Strategic Plan - Project | Expand and Modify the Downtown Arts District Overlay                                               | Examine and develop recommendations for expanding the boundaries of the current Downtown Arts District Overlay as well as the allowable active ground-floor uses. Related to PRJ0013155 and DMND0002497                                               | 95.00            | Work in Progress | Office of Economic Development | N           | Y         | N       | N                     | N                                | Y                       | Y                                  |
| 444 | Strategic Plan - Project | Interactive Digital Kiosks                                                                         | Facilitate the installation of interactive digital kiosks to share information about civic resources; market local businesses, arts organizations, and commercial districts; and generate revenue for the City of Berkeley                            | 95.00            | Work in Progress | Office of Economic Development | N           | Y         | Y       | N                     | N                                | Y                       | N                                  |
| 445 | Strategic Plan - Project | Measure T1 Public Art Projects                                                                     | Implement new public art commissions associated with T1 Bond Projects at North Berkeley Senior Center and San Pablo Park, which will be integrated into the planned improvements in order to beautify these spaces and enhance their unique character | 90.00            | Work in Progress | Office of Economic Development | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 446 | Strategic Plan - Project | Aquatic Park Tide Tubes Renovation Project                                                         | Design, permitting, and environmental documents.                                                                                                                                                                                                      | 0.00             | Not Started      | Parks, Recreation & Waterfront | N           | N         | N       | Y                     | N                                | N                       | Y                                  |
| 447 | Strategic Plan - Project | Berkeley Municipal Pier Conceptual Design                                                          | Feasibility study for potential repairs to Pier.                                                                                                                                                                                                      | 75.00            | Work in Progress | Parks, Recreation & Waterfront | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 448 | Strategic Plan - Project | Berkeley Rose Garden Pathways, Tennis Courts, Pergola                                              | Reconstruction of the pergola, ADA paths, and retaining Walls - Design and Construction.                                                                                                                                                              | 75.00            | Work in Progress | Parks, Recreation & Waterfront | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 449 | Strategic Plan - Project | Berkeley Tuolumne Camp Rebuild                                                                     | Rebuild Berkeley Tuolumne Camp. Permitting, Environmental, Design, and Construction.                                                                                                                                                                  | 75.00            | Work in Progress | Parks, Recreation & Waterfront | N           | Y         | Y       | Y                     | N                                | Y                       | Y                                  |
| 450 | Strategic Plan - Project | Cazadero Camp Landslide Fix and Dormitory Replacement                                              | Repair significant damage to the City's Cazadero Camp caused by a landslide that occurred in 2016.                                                                                                                                                    | 60.00            | Work in Progress | Parks, Recreation & Waterfront | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 451 | Strategic Plan - Project | Grove Park Field backstop, dugout, lights, and irrigation                                          | Renovation of existing ballfield backstop, dugout, lights, and irrigation - Construction.                                                                                                                                                             | 30.00            | Work in Progress | Parks, Recreation & Waterfront | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 452 | Strategic Plan - Project | Live Oak Community Center Seismic Upgrade and Renovations                                          | Seismic upgrades and building renovations - Construction.                                                                                                                                                                                             | 95.00            | Work in Progress | Parks, Recreation & Waterfront | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 453 | Strategic Plan - Project | San Pablo Park Tennis Courts and Play Equipment Upgrade (Ages 5-12 Play Areas)                     | Renovation of existing play equipment (ages 2-5 and 5-12) and tennis courts - Construction.                                                                                                                                                           | 70.00            | Work in Progress | Parks, Recreation & Waterfront | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                                                                           | Description                                                                                                                                                                                                                                            | Percent Complete | State            | Lead City Department           | Commission?                                                              | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 454 | Strategic Plan - Project | Training and Certification for Sports Coaches and Officials                                    | Start to implement a new program to provide the latest training and certifications all staff who serve as sports officials and coaches for the City's many sports programs, including softball, baseball, and tennis leagues, skateboarding, and more. | 35.00            | Work in Progress | Parks, Recreation & Waterfront | N                                                                        | Y            | N            | Y                     | N                                | Y                       | Y                                  |
| 455 | Strategic Plan - Project | Tree Planting Project in South and West Berkeley                                               | Plant 500 trees in South and West Berkeley                                                                                                                                                                                                             | 50.00            | Work in Progress | Parks, Recreation & Waterfront |                                                                          | Y            | Y            | Y                     | N                                | Y                       | Y                                  |
| 456 | Strategic Plan - Project | University Avenue (West Frontage Rd to Marina Blvd), Marina Blvd, and Spinnaker Way Renovation | Renovate three roads at the Berkeley Marina (University Ave, Marina Blvd, and Spinnaker Way) - Construction - Design and Construction.                                                                                                                 | 30.00            | Work in Progress | Parks, Recreation & Waterfront |                                                                          | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 457 | Strategic Plan - Project | WETA MOU and Ferry Feasibility Study                                                           | Develop an MOU with WETA and conduct an engineering feasibility study for potential WETA ferry service and recreation at the existing or a new Berkeley Pier.                                                                                          | 80.00            | Work in Progress | Parks, Recreation & Waterfront |                                                                          | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 458 | Strategic Plan - Project | Ashby and North Berkeley BART Zoning and Development Parameters (formerly station area plan)   | State-mandated zoning study and updates at the North Berkeley and Ashby BART stations                                                                                                                                                                  | 25.00            | Work in Progress | Planning                       | Involves Planning Commission                                             | Y            | Y            | Y                     | Y                                | Y                       | Y                                  |
| 459 | Strategic Plan - Project | Clean energy (i.e., Fuel switching)                                                            | Promote strategies and make available resources for residents to convert to cleaner fuel use in buildings.                                                                                                                                             | 50.00            | Work in Progress | Planning                       | N                                                                        | Y            | N            | Y                     | N                                | N                       | Y                                  |
| 460 | Strategic Plan - Project | Climate Adaptation Work                                                                        | New climate adaptation work                                                                                                                                                                                                                            | 5.00             | Work in Progress | Planning                       | Y                                                                        | Y            | N            | Y                     | N                                | N                       | N                                  |
| 461 | Strategic Plan - Project | Demolition Ordinance and Affordable Housing                                                    | Study issues pertaining to demolition and replacement of existing rent controlled and affordable housing. Depending on outcomes of study, may result in a revised fee and/or ordinance                                                                 | 25.00            | Work in Progress | Planning                       | Involves Planning Commission, Rent Stabilization Board                   | Y            | N            | N                     | Y                                | Y                       | N                                  |
| 462 | Strategic Plan - Project | Development/Density Standards Project                                                          | Study options and proposed comprehensive density standards                                                                                                                                                                                             | 25.00            | Work in Progress | Planning                       | Involves Joint Subcommittee for the Implementation of State Housing Laws | Y            | Y            | Y                     | Y                                | N                       | F                                  |
| 463 | Strategic Plan - Project | Expanded and streamlined rental housing safety program                                         | Expand and streamline the Rental Housing Safety Program to enable proactive inspections and other actions to maintain Berkeley's aging rental housing stock.                                                                                           | 65.00            | Work in Progress | Planning                       | N                                                                        | Y            | Y            | N                     | Y                                | N                       | N                                  |
| 464 | Strategic Plan - Project | Increased EV infrastructure                                                                    | Provide better facilities and infrastructure for Electrical Vehicle charging, with an emphasis on electric mobility strategies to make cleaner transportation available to all across income lines.                                                    | 80.00            | Work in Progress | Planning                       | N                                                                        | Y            | N            | Y                     | N                                | N                       | N                                  |
| 465 | Strategic Plan - Project | Increased Student Housing                                                                      | Identify opportunities to enable additional student housing, such as through Zoning Ordinance amendments focused on increasing student housing capacity in the Telegraph Avenue Commercial District.                                                   | 50.00            | Work in Progress | Planning                       | Involves Planning Commission                                             | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 466 | Strategic Plan - Project | Local density bonus policy                                                                     | Develop and pilot a local Density Bonus program that enables payment of housing in-lieu fees to be used and leveraged to create additional affordable housing.                                                                                         | 50.00            | Work in Progress | Planning                       | Involves Planning Commission                                             | Y            | Y            | N                     | N                                | Y                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                                  | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Percent Complete | State            | Lead City Department | Commission?                                                              | Underway? | Funded?  | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 467 | Strategic Plan - Project | Missing Middle Housing Study / Housing Element Update | Refer to the City Manager to prepare a report to the Council of examining methods, including potential revisions to the zoning code, that may foster a broader range housing types across Berkeley, particularly missing middle housing types (duplexes, triplexes/fourplexes, courtyard apartments, bungalow courts, townhouses, etc.), in areas with access to essential components of livability like parks, schools, employment, transit, and other services. Given the range of requests included in this referral, it is expected that responding to the referral will require a combination of field research, consultation with design professionals and other cities and agencies, and community outreach and engagement. Council requests that staff initiate this work as soon as possible. (Text from 4/23/19 Council Referral) | 1.00             | Work in Progress | Planning             | Involves Planning Commission                                             | Y         | Deferred | N                     | Y                                | Y                       | N                                  |
| 468 | Strategic Plan - Project | New Municipal Building Energy Policy                  | Develop options for a new Municipal Building Energy Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 5.00             | Work in Progress | Planning             | N                                                                        | N         | N        | N                     | N                                | Y                       | N                                  |
| 469 | Strategic Plan - Project | Objective Development Standards                       | Consultant work with community and commissions to describe, define, and revise objective development standards in corridors.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 25.00            | Work in Progress | Planning             | Involves Joint Subcommittee for the Implementation of State Housing Laws | Y         | Y        | Y                     | Y                                | N                       | N                                  |
| 470 | Strategic Plan - Project | Parking Reform                                        | Strategies to unbundle parking requirements from development requirements to facilitate housing production and car-free modes of transit                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 90.00            | Work in Progress | Planning             | Involves Planning Commission                                             | Y         | Y        | N                     | N                                | Y                       | Y                                  |
| 471 | Strategic Plan - Project | Permit Conditions Enforcement Process                 | Review process/approach to monitoring and enforcing agreed-to conditions on Land Use permits                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 50.00            | Work in Progress | Planning             | N                                                                        | Y         | N        | N                     | N                                | Y                       | N                                  |
| 472 | Strategic Plan - Project | Permit Service Center and Land Use Planning Survey    | Develop and administer a customer service survey relating to permitting services and land use planning processes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 33.00            | Work in Progress | Planning             | N                                                                        | Y         | Y        | N                     | N                                | Y                       | Y                                  |
| 473 | Strategic Plan - Project | Planning DOC                                          | Planning Operations Center (DOC) and Emergency Operations Plan (EOP)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 0.00             | Not Started      | Planning             | N                                                                        | N         | N        | N                     | N                                | Y                       | N                                  |
| 474 | Strategic Plan - Project | Seismic safety programs                               | Continue implementation of the City's Soft Story and Unreinforced Masonry Ordinances and administer a \$3 million Hazard Mitigation Grant from FEMA, which will provide design and construction grants to owners of the most seismically vulnerable buildings in Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 70.00            | Work in Progress | Planning             | N                                                                        | Y         | Y        | Y                     | Y                                | N                       | Y                                  |
| 475 | Strategic Plan - Project | Sign Policy                                           | Evaluate and update design review processes/policies and Sign Ordinance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 50.00            | Work in Progress | Planning             | Involves Planning Commission, Design Review Committee                    | Y         | N        | N                     | N                                | Y                       | N                                  |
| 476 | Strategic Plan - Project | Solar + Storage Project                               | Latest strategy from previous Microgrid pilot program to co-locate solar and storage capacity, especially for emergency backup uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 30.00            | Work in Progress | Planning             | N                                                                        | Y         | N        | Y                     | N                                | Y                       | N                                  |
| 477 | Strategic Plan - Project | ZORP (Zoning Ordinance Revision Project)              | Revise the City of Berkeley Zoning Ordinance in order to clarify zoning rules and procedures for community members and improve the implementation process for City staff.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 50.00            | Work in Progress | Planning             | Involves Planning Commission                                             | Y         | Y        | N                     | N                                | Y                       | Y                                  |



**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                                                                                            | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Percent Complete | State            | Lead City Department | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|--------------------------|-----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|----------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 478 | Strategic Plan - Project | Community Safety During Demonstrations                                                                          | Increase Police capacity, resources, tools and training, including training a bike-officer response unit, to effectively protect and facilitate free speech and maintain community safety when demonstrations and protests occur.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 80.00            | Work in Progress | Police               | N           | Y         | N       | N                     | N                                | Y                       | Y                                  |
| 479 | Strategic Plan - Project | Comprehensive Police Policy Review                                                                              | Fully implement and update Police policies to Lexipol format, ensuring full compliance with current law, case law, and incorporate best practices.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 85.00            | Work in Progress | Police               | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 480 | Strategic Plan - Project | Develop resources and programs for employee resiliency                                                          | Expand Police employee wellness and resiliency programs, including mental health, fitness, and nutrition resources.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 75.00            | Work in Progress | Police               | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 481 | Strategic Plan - Project | Hire, Train, and Retain Excellent Police Personnel                                                              | In order to continue to provide excellent service to the community, expediently fill any position vacancies while maintaining a highly qualified, well educated work force.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 80.00            | Work in Progress | Police               | N           | Y         | Y       | N                     | N                                | Y                       | N                                  |
| 482 | Strategic Plan - Project | Implementation of new public safety technology. (Comprehensive Review of Police Equipment and Technology Needs) | Conduct a needs assessment and prioritization of tools and technology that would better enable the Police to safeguard the community. Implement new technology.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 80.00            | Work in Progress | Police               | N           | Y         | N       | N                     | N                                | N                       | Y                                  |
| 483 | Strategic Plan - Project | Police Community Engagement Strategy                                                                            | Enhance the Police's existing efforts to engage and inform community members about public safety by developing a Police Community Engagement Strategy.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 70.00            | Work in Progress | Police               | N           | Y         | N       | N                     | N                                | Y                       | Y                                  |
| 484 | Strategic Plan - Project | Revise use-of-force policy and implement software                                                               | Implement software enhancements used to report and review department commendations and uses of force, in conjunction with a revised use of force policy. This will enable the BPD ability to report aggregate information internally and externally.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 95.00            | Work in Progress | Police               | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 485 | Strategic Plan - Project | 2nd Street, Monterey Avenue, Ward Street, Hopkins Street and Bancroft Way                                       | Pavement rehabilitation of 1,600 linear feet (0.3 miles) on Ward Street from San Pablo Avenue to Action Street with full-depth reclamation including sidewalk, driveway, and curb ramp replacement. The street will also include green infrastructure improvements, pervious concrete in the parking lane (8 feet wide) to infiltrate storm water into the native soil. Pavement rehabilitation of 1,600 linear feet (0.3 miles) on 2nd Street from Addison Street to Delaware Street, including installation of sidewalk, curb and gutter, crosswalks along University Avenue underpass, and removal of Railroad tracks on project area. Pavement rehabilitation of 3,100 linear feet (0.6 miles) on Monterey Avenue from Hopkins Street to The Alameda, including installation of sidewalk, curb & gutter, curb ramps, and striping of bike lanes and crosswalks. Pavement rehabilitation of 6,600 linear feet (1.25 miles) on Hopkins Street from San Pablo to The Alameda, including installation of sidewalk, curb & gutter, curb ramps, and striping of bike lanes and crosswalks. Pavement rehabilitation of 350 linear feet (0.06 miles) on Bancroft Way from Shattuck Avenue to Milvia Street, including installation of sidewalk, curb & gutter, curb ramps, and a protected bike lane from Fulton Street to Milvia Street. | 50.00            | Work in Progress | Public Works         | N           | Y         | Y       | N                     | Y                                | Y                       | Y                                  |

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| 486 | Strategic Plan - Project | 50/50 Sidewalk Program                                                                        | Reduce 50/50 sidewalk backlog                                                                                                                                                                                                                                                                                                                                                                                                                      | 70.00            | Work in Progress | Public Works         | N           | Y            | Y            | N                     | N                                | N                       | N                                  |
| 487 | Strategic Plan - Project | American Disabilities Act Transition Plan                                                     | Work with DAC consultants to survey accessibility and ADA compliance for City facilities, public right of way, and parks, as well as programs and services.                                                                                                                                                                                                                                                                                        | 72.00            | Work in Progress | Public Works         | N           | Y            | Y            | N                     | Y                                | Y                       | Y                                  |
| 488 | Strategic Plan - Project | Berkeley Rose Garden Drainage                                                                 | Repair creek channel to protect channel and contain creek flows.                                                                                                                                                                                                                                                                                                                                                                                   | 35.00            | On Hold          | Public Works         | N           | N            | N            | N                     | N                                | N                       | Y                                  |
| 489 | Strategic Plan - Project | Bicycle and Pedestrian Infrastructure Improvements (Ongoing Program)                          | Implement protected bicycle lanes on Milvia and Dana Streets and currently-funded Safe Routes to Schools and Active Transportation Program projects, including the 9th Street path crossing at Ashby Avenue. Implement BeST and Bicycle and Pedestrian Plan improvements during repaving projects. Identify funding sources for implementing all Tier 1 Bicycle Boulevard crossing recommendations from the Bicycle Plan.                          | 25.00            | Work in Progress | Public Works         | N           | Y            | Y            | Y                     |                                  | Y                       | Y                                  |
| 490 | Strategic Plan - Project | Bicycle Plan FY 2022 Update                                                                   | Construct bikeway projects and implement encouragement, education, enforcement, and evaluation programs to make Berkeley a model bicycle-friendly city where bicycling is a safe, comfortable, and convenient form of transportation and recreation for people of all ages and abilities                                                                                                                                                           | 0.00             | Not Started      | Public Works         | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 491 | Strategic Plan - Project | Compostable or Recyclable Foodware                                                            | Implementation: Phase 2 - All foodware certified compostable & vendor charges \$0.25 per disposal cup<br>Phase 3 - Only onsite foodware provided by vendor.                                                                                                                                                                                                                                                                                        | 5.00             | Work in Progress | Public Works         | N           | Y            | N            | N                     | Y                                | Y                       | N                                  |
| 492 | Strategic Plan - Project | Corporation Yard Roof and Electrical Upgrades                                                 | This facility requires general upgrades of the electrical system including panelboards, switchboard, and electrical feeders.                                                                                                                                                                                                                                                                                                                       | 75.00            | Work in Progress | Public Works         | N           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 493 | Strategic Plan - Project | Gilman Street Interchange Project                                                             | Improve the mobility and safety of the Gilman Street Corridor by reconstructing the Gilman Street Interchange and creating a new gateway into North Berkeley. In FY 2018-2019, complete the environmental documents and begin final design for the I-80 Gilman Interchange and pedestrian overcrossing projects.                                                                                                                                   | 90.00            | Work in Progress | Public Works         | N           | Y            | Y            | Y                     |                                  | Data Pending            | Data Pending                       |
| 494 | Strategic Plan - Project | Long-Term Waste Operations Strategy                                                           | RFP to develop long term Zero Waste Strategic Plan                                                                                                                                                                                                                                                                                                                                                                                                 | 10.00            | Work in Progress | Public Works         | N           | N            | N            | N                     | Y                                | N                       | N                                  |
| 495 | Strategic Plan - Project | Major Improvements to Downtown Berkeley Infrastructure and Amenities (Milvia Bikeway Project) | The project is currently in the grant funded planning phase for a protected bikeway between Hearst Ave and Channing Way, with a protected bikeway or traffic calming to upgrade the bikeway between Channing and Blake Street. Conceptual design will be complete in October 2019. Engineering design will start January 2020 and end October 2020. If additional grant funds are secured, construction would begin May 2021 and end January 2022. | 45.00            | Work in Progress | Public Works         | N           | Y            | Y            | Y                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                                                                            | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Percent Complete | State            | Lead City Department | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|--------------------------|-------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|----------------------|-------------|--------------|--------------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 496 | Strategic Plan - Project | Major Improvements to Downtown Berkeley Infrastructure and Amenities (Center Street Plaza)      | Convert Center Street between Shattuck and Oxford to a slow street with enhanced streetscape treatments emphasizing use by pedestrians and cyclists while retaining access for transit and deliveries. Project is on hold because anticipated SOSIP funds from hotel development were deferred for up to 10 years.                                                                                                                                                                                                                 | 0.00             | On Hold          | Public Works         | N           | N            | N            | N                     | N                                | N                       | N                                  |
| 497 | Strategic Plan - Project | Major Improvements to Downtown Berkeley Infrastructure and Amenities (Shattuck Reconfiguration) | Improve pedestrian safety by changing traffic flow and turning patterns at the Shattuck/University intersection. Put all through traffic in both directions on the newly two-way west leg of Shattuck between Center and University. Improve parking capacity and shorten pedestrian crossings on the east leg of Shattuck. Provide enhanced transit plaza on the east side of Shattuck between Alston and Center. Contract award by Council is scheduled for October 2018 and Construction is scheduled to commence January 2019. | 95.00            | Work in Progress | Public Works         | N           | Y            | Y            | Y                     | N                                | Y                       | Y                                  |
| 498 | Strategic Plan - Project | Marina Corporation Yard Electrical Upgrades                                                     | Electrical upgrades to the maintenance building.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 75.00            | Work in Progress | Public Works         | N           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 499 | Strategic Plan - Project | North Berkeley Senior Center Seismic Upgrades and Renovations                                   | Seismic and general upgrades to meet immediate occupancy rating.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 75.00            | Work in Progress | Public Works         | N           | Y            | Y            | Y                     |                                  | Y                       | Y                                  |
| 500 | Strategic Plan - Project | Pedestrian Plan Update                                                                          | Update the 2010 Pedestrian Master Plan to guide City efforts to make walking in Berkeley safe, attractive, easy, and convenient for people of all ages and abilities.                                                                                                                                                                                                                                                                                                                                                              | 97.00            | Work in Progress | Public Works         | Y           | Y            | Y            | Y                     | Y                                | Y                       | Y                                  |
| 501 | Strategic Plan - Project | Public Safety Building Improvements                                                             | Renovate the Public Safety Building lobby to improve service to community members and enhance the safety of Fire Department personnel. Install new carpet. Fix water leak on south side of building.                                                                                                                                                                                                                                                                                                                               | 95.00            | Work in Progress | Public Works         | N           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 502 | Strategic Plan - Project | Residential Preferential Parking (RPP) Program                                                  | Assess the potential for and interest in expansion of RPP in additional commercial districts.                                                                                                                                                                                                                                                                                                                                                                                                                                      | 60.00            | Work in Progress | Public Works         | N           | N            | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 503 | Strategic Plan - Project | Sewer Master Plan                                                                               | The plan will provide flow monitoring, hydraulic modeling and capacity assessment, and condition assessment of the sewer system. These services will allow for identification of areas of high inflow and infiltration and capacity deficiency in the sewer system. In addition, they will provide prioritization of capital sewer improvements and a sanitary sewer rate study                                                                                                                                                    | 70.00            | Work in Progress | Public Works         | N           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 504 | Strategic Plan - Project | Solano Avenue Revitalization Plan                                                               | Conceptual design                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Not Started      | Public Works         | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 505 | Strategic Plan - Project | Substation relocation project                                                                   | Relocation of the BPD Traffic Substation to a City of Berkeley-owned facility.                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 75.00            | Work in Progress | Public Works         | N           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 506 | Strategic Plan - Project | Transfer Station - Master Plan                                                                  | Re-construct the nearly 8-acre West Berkeley site where waste materials are sorted. The eventual goal of a new site is simple: if we recover more of what can be re-used or recycled, we slash what Berkeley trucks to the mountains of garbage that fill landfills.                                                                                                                                                                                                                                                               | 50.00            | Work in Progress | Public Works         | N           | Y            | Y            | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                                     | Description                                                                                                                                                                                                         | Percent Complete | State            | Lead City Department | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|--------------------------|----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|----------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 507 | Strategic Plan - Project | Undergrounding Utility Wires                             | Finalize design and begin construction of Underground Utility District #48 (Grizzly Peak). The City is responsible for installation of decorative solar street lighting in support of this Undergrounding District. | 80.00            | Work in Progress | Public Works         | N           | Y         | Y       | N                     | N                                | Y                       | N                                  |
| 508 | Strategic Plan - Project | Update Watershed Management and Storm Drain Master Plans | Undertaking a necessary update to citywide watershed management and storm drain master plans                                                                                                                        | 90.00            | Work in Progress | Public Works         | N           | N         | Y       | N                     | N                                | Y                       |                                    |
| 509 | Strategic Plan - Project | Zero Waste Rate Evaluation                               | Develop a study that provides for a new five year rate structure that sets rates through the Proposition 218 process.                                                                                               | 50.00            | Work in Progress | Public Works         | N           | N         | Y       | N                     | Y                                | Y                       | Y                                  |